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# MISSOURI



# REGISTER

John R. Ashcroft  Secretary of State

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Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
August 1, 2022 August 15, 2022	September 1, 2022 September 15, 2022	September 30, 2022 September 30, 2022	October 30, 2022 October 30, 2022
September 1, 2022 September 15, 2022	October 3, 2022 October 17, 2022	October 31, 2022 October 31, 2022	November 30, 2022 November 30, 2022
October 3, 2022 October 17, 2022	November 1, 2022 November 15, 2022	November 30, 2022 November 30, 2022	December 30, 2022 December 30, 2022
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January 3, 2023 January 17, 2023	February 1, 2023 February 15, 2023	February 28, 2023 February 28, 2023	March 30, 2023 March 30, 2023
February 1, 2023 February 15, 2023	March 1, 2023 March 15, 2023	March 31, 2023 March 31, 2023	April 30, 2023 April 30, 2023
March 1, 2023 March 15, 2023	April 3, 2023 April 17, 2023	April 30, 2023 April 30, 2023	May 30, 2023 May 30, 2023

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at [sos.mo.gov/adrules/pubsched](https://sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system—

<b>Title</b>	<b>CSR</b>	<b>Division</b>	<b>Chapter</b>	<b>Rule</b>
3	<i>Code of</i>	10-	4	115
Department	<i>State</i>	Agency	General area	Specific area
	<i>Regulations</i>	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 12 – DEPARTMENT OF REVENUE  
Division 10 – Director of Revenue  
Chapter 41 – General Tax Provisions**

**EMERGENCY AMENDMENT**

**12 CSR 10-41.010 Annual Adjusted Rate of Interest.** The department is amending section (1).

*PURPOSE:* This emergency amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2023.

*EMERGENCY STATEMENT:* The director of revenue is mandated to establish not later than October 22 annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2023 calendar year. A proposed amendment, that covers the same material, is published in this issue of the **Missouri Register**. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. The director has followed procedures calculated to assure fairness to all interested persons and parties and has

complied with protections extended by the **Missouri and United States Constitutions**. This emergency amendment was filed October 21, 2022, becomes effective January 1, 2023, and expires June 29, 2023.

(1) Pursuant to section 32.065, RSMo, the Director of Revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%
2012	3%
2013	3%
2014	3%
2015	3%
2016	3%
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%
2023	6%

*AUTHORITY:* section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 21, 2022, effective Jan. 1, 2023, expires June 29, 2023. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

*PUBLIC COST:* This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective. This emergency amendment will result in an increase in the interest rate charged on delinquent taxes.

*PRIVATE COST:* This emergency amendment will cost private entities more than five hundred dollars (\$500) in the time the emergency is effective. This emergency amendment will result in an increase in the interest rate charged on delinquent taxes. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.

**FISCAL NOTE  
PUBLIC COST****I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is 6%.</i>

**III. WORKSHEET**

The proposed amendment establishes the rate of interest for 2023 at six percent (6%), which is three percent (3%) higher than the rate in 2022.

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6% on each \$100 of delinquent taxes to public entities.

**Interest on Delinquent Taxes Paid to Department of Revenue**

	<b>Current Rule 3.00%</b>	<b>Proposed Amendment 6.00%</b>
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefore the delinquent rate will be six percent (6%).

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6%. The actual number of affected taxpayers is unknown.</i>

**III. WORKSHEET**

The proposed amendment establishes the rate of interest for 2023 at six percent (6%).

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is six percent (6%) and will assessed on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

**Interest on Delinquent Taxes Paid to Department of Revenue**

	<b>Current Rule 3.00%</b>	<b>Proposed Amendment 6.00%</b>
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefor the delinquent rate will be six percent (6%).

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 25 – Missouri State Public Health Laboratory**

**Chapter 30 – Determination of Blood Alcohol by Blood, Breath, Saliva, and Urine Analysis; and Determination for the Presence of Drugs in Blood, Saliva, and Urine**

**EMERGENCY AMENDMENT**

**19 CSR 25-30.021 Type I Permit.** The department is amending section (3).

*PURPOSE:* This emergency amendment adds back to the rule an accreditation that is currently held by one of the laboratories in Missouri that upon further review by the department has been deemed an acceptable accreditation.

*EMERGENCY STATEMENT:* Only laboratories with accreditations that have been approved by the Department of Health and Senior Services and are listed in these rules may be used for the analysis of blood, saliva, and urine samples for drug-related driving offenses. In March 2020, the Department removed an accreditation through the College of American Pathologists (CAP) from the rule. It was recently discovered that one laboratory was using this accreditation as the basis for performing testing, and has been forced to shut down testing. The consequences of this laboratory ceasing testing is that the time required to complete testing of blood and urine samples for drugs has approximately doubled at the remaining Type I laboratories. The delay in testing creates further delays for the processes dependent on the test results, including criminal prosecutions. The emergency amendment will allow laboratories that hold a forensic drug testing accreditation through the College of American Pathologists (CAP) to perform analyses of blood, saliva, or urine for the presence of drugs. As a result, the Department finds that an immediate danger to the public health, safety, or welfare and a compelling governmental interest exists which require this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 1, 2022, becomes effective November 16, 2022, and expires May 14, 2023.

(3) Laboratories wherein analyses are performed by Type I permit holders shall maintain complete records of testing, quality assurance data, logbooks, and other documentation related to the performance of tests as established under general standards of laboratory practice and chain-of-custody procedures.

(B) Laboratories that perform analyses of blood, saliva, or urine for the presence of drugs shall hold a **forensic drug testing accreditation through the College of American Pathologists (CAP)**, an accreditation through the American Board of Forensic Toxicologists (ABFT), or **an accreditation** through an accreditation body that is a signatory of the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA). This accreditation shall include an annual forensic proficiency test on each biological matrix (blood, saliva, or urine) tested. A copy of the certification for each laboratory shall be supplied to the Missouri State Public Health Laboratory upon request.

*AUTHORITY:* sections 192.006, 577.020, and 577.037, RSMo 2016. This rule previously filed as 19 CSR 20-30.021. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.021 Jan. 1, 1995. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020. Emergency amendment filed Nov. 1, 2022, effective Nov. 16, 2022, expires May 14, 2023. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

*PUBLIC COST:* This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

*PRIVATE COST:* This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**Title 22 – MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10 – Health Care Plan  
Chapter 2 – State Membership**

**EMERGENCY AMENDMENT**

**22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members.** The Missouri Consolidated Health Care Plan is amending section (1).

*PURPOSE:* This amendment revises Medicare Part D coverage stage and copayment amounts.

*EMERGENCY STATEMENT:* This emergency amendment must be in place by January 1, 2023, in accordance with the new plan year. Therefore, this emergency amendment is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forego coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this amendment be filed as an emergency amendment to maintain the integrity of the current health care plan. This emergency amendment fulfills the compelling governmental interest of offering access to more convenient and affordable medical services to members as one (1) method of protecting the MCHCP trust fund from more costly expenses. This emergency amendment reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. This emergency amendment complies with the protections extended by the **Missouri** and **United States Constitutions** and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed October 28, 2022, becomes effective January 1, 2023, and expires June 29, 2023.

(1) The pharmacy benefit for Medicare primary non-active members is provided through a Pharmacy Employer Group Waiver Plan (EGWP) as regulated by the Centers for Medicare

and Medicaid Services hereinafter referred to as the Medicare Prescription Drug Plan.

(A) Non-active subscribers that have Medicare primary coverage and their dependents that have Medicare primary coverage enrolled in the Medicare Advantage Plan shall receive their pharmacy benefit through the Medicare Prescription Drug Plan.

(B) The non-Medicare dependents of Medicare primary non-active subscribers will not be in the Medicare Prescription Drug Plan but will have pharmacy benefit coverage as defined by 22 CSR 10-2.090.

(C) Foster parent members that have Medicare primary coverage and their dependents that have Medicare primary coverage will not be in the Medicare Prescription Drug Plan but will have pharmacy benefit coverage as defined by 22 CSR 10-2.090.

(D) A retiree Medicare primary member who chooses not to be in the Medicare Prescription Drug Plan will lose MCHCP eligibility and will not be allowed to enroll in a medical or Medicare Prescription Drug Plan at a later date.

(E) MCHCP will pay the Medicare financial penalty incurred by a Medicare primary member who has had a continuous gap in prescription drug coverage of sixty-three (63) days or more after the Medicare Initial Election Period (IEP) and was not covered by any creditable prescription drug coverage and failed to enroll into Part D.

(F) The Medicare Prescription Drug Plan is comprised of a Medicare Part D prescription drug plan contracted by MCHCP and some non-Part D medications that are not normally covered by a Medicare Part D prescription drug plan. The requirements for the Medicare Part D prescription drug plan are as follows:

1. The Centers for Medicare and Medicaid Services regulates the Medicare Part D prescription drug program. The Medicare Prescription Drug Plan abides by those regulations;

2. Initial coverage stage. Until a member's total yearly Part D prescription drug costs reach ***[four thousand four hundred thirty dollars (\$4,430)] four thousand six hundred sixty dollars (\$4,660)***, the member will pay the following copayments:

A. Preferred formulary generic drugs: thirty-one- (31-) day supply has a ten dollar (\$10) copayment; sixty- (60-) day supply has a twenty dollar (\$20) copayment; ninety- (90-) day supply at retail has a thirty dollar (\$30) copayment; and a ninety-(90-) day supply through home delivery has a twenty-five dollar (\$25) copayment;

B. Preferred formulary brand drugs: thirty-one- (31-) day supply has a forty dollar (\$40) copayment; sixty- (60-) day supply has an eighty dollar (\$80) copayment; ninety- (90-) day supply at retail has a one hundred twenty dollar (\$120) copayment; and a ninety- (90-) day supply through home delivery has a one hundred dollar (\$100) copayment; and

C. Non-preferred formulary drugs and approved excluded drugs: thirty-one- (31-) day supply has a one hundred dollar (\$100) copayment; sixty- (60-) day supply has a two hundred dollar (\$200) copayment; ninety- (90-) day supply at retail has a three hundred dollar (\$300) copayment; and a ninety- (90-) day supply through home delivery has a two hundred fifty dollar (\$250) copayment;

3. Coverage gap stage. After a member's total yearly Part D prescription drug costs exceed ***[four thousand four hundred thirty dollars (\$4,430)] four thousand six hundred sixty dollars (\$4,660)*** and remain below ***[seven thousand fifty dollars (\$7,050)] seven thousand four hundred dollars (\$7,400)***, the member will continue to pay the same cost-sharing amount as in the initial coverage stage until the yearly out-of-pocket Part D prescription drug costs reach ***[seven thousand fifty dollars (\$7,050)] seven thousand four hundred dollars (\$7,400)***;

4. Catastrophic coverage stage. After a member's total yearly out-of-pocket Part D prescription drug costs reach ***[seven***

***thousand fifty dollars (\$7,050)] seven thousand four hundred dollars (\$7,400)***, the member will pay the greater of –

A. Five percent (5%) coinsurance or a ***[three dollar and ninety-five cent (\$3.95)] four dollar and fifteen cent (\$4.15)*** copayment for covered generic drugs (including brand drugs treated as generics), with a maximum not to exceed the standard copayment during the initial coverage stage; or

B. Five percent (5%) coinsurance or a ***[nine dollar and eighty-five cent (\$9.85)] ten dollar and thirty-five cent (\$10.35)*** copayment for all other covered drugs, with a maximum not to exceed the standard copayment during the initial coverage stage; and

5. Amounts paid by the member or the plan for non-Part D prescription drugs will not count toward total Part D prescription drug costs or total Part D prescription drug out-of-pocket costs.

(G) Medications covered under 22 CSR 10-2.090 will be covered under the Medicare Prescription Drug Plan as non-Part D medications when they are not a Part D covered drug.

(H) Medicare Part B Prescription Drugs are excluded from the Medicare Prescription Drug Plan.

(I) Prescription drugs and prescribed over-the-counter drugs as recommended by the U.S. Preventive Services Task Force (categories A and B) are covered at one hundred percent (100%) when filled at a network pharmacy. The following are also covered at one hundred percent (100%) when filled at a network pharmacy:

1. Vaccines and administration as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention; and

2. Preferred formulary brand contraception and non-preferred contraception when the provider determines a generic is not medically appropriate or a generic version is not available.

*AUTHORITY: section 103.059, RSMo 2016. Emergency rule filed Oct. 30, 2013, effective Jan. 1, 2014, expired June 29, 2014. Original rule filed Oct. 30, 2013, effective June 30, 2014. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 28, 2022, effective Jan. 1, 2023, expires June 29, 2023. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

**EXECUTIVE ORDER  
22-06**

TO ALL DEPARTMENTS AND AGENCIES:


This is to advise that state offices of the executive branch under the purview of the Governor will be closed on Friday, November 25, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of November, 2022.



  
MICHAEL L. PARSON  
GOVERNOR

ATTEST:

  
JOHN R. ASHCROFT  
SECRETARY OF STATE

The text of proposed rules and changes will appear under this heading. A notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This explanation is set out in the PURPOSE section of each rule. A citation of the legal authority to make rules is also required, and appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules that are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close-of-comments date will be used as the beginning day in the ninety- (90-) day count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice, file a new notice of proposed rulemaking, and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 80 – Economic Development Programs  
Chapter 6 – Capital Access Program**

**PROPOSED RESCISSION**

**4 CSR 80-6.010 Businesses and Activities Ineligible for Capital Access Program Assistance.** This rule defined which types of businesses and which business activities were ineligible to receive loans from Missouri financial institutions under the provisions of the Capital Access Program as contained in sections 620.1045 – 620.1066, RSMo.

*PURPOSE: This rule is being rescinded to remove an obsolete rule for the Capital Access Program (CAP). By statute, the Division of Finance administers CAP; however, the rulemaking authority was not updated nor was the rule moved when the Division of Finance transferred to what is now the Department of Commerce and Insurance. The Division of Finance reportedly has not seen any*

*CAP loans historically and will not be affected by this rescission in that it would rely on the statutory authority for CAP if presented with a CAP loan.*

*AUTHORITY: section 620.1066, RSMo (Supp. 1995). Original rule filed Aug. 29, 1996, effective March 30, 1997. Rescinded: Filed Oct. 20, 2022.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services**

**Chapter 1 – Organizational Structure**

**PROPOSED RESCISSION**

**4 CSR 85-1.010 General Organization.** The purpose of this regulation was to comply with section 536.023(3), RSMo (1986), which required each agency to adopt as a regulation a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests.

*PURPOSE: This rule, which is limited in scope to a single division, is being rescinded, and a new department-wide rule will be promulgated to comply with section 536.023, RSMo.*

*AUTHORITY: section 536.023, RSMo 1986. Original rule filed Jan. 10, 1978, effective April 13, 1978. Rescinded: Filed Oct. 20, 2022.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services**

**Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.010 Enterprise Zone Program.** This rule established

guidelines for applicants to the Enterprise Zone Program.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no additional applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Original rule filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 2022.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services  
Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.020 The Application Process.** This rule established the procedures for submitting petitions and the criteria and priorities for the approval or disapproval of such petitions.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no additional applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed Feb. 9, 1983, effective Feb. 19, 1983, expired June 19, 1983. Original rule filed Feb. 9, 1983, effective May 12, 1983. Emergency amendment filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Amended: Filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 2022.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services  
Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.030 Designation.** This rule established time tables for the announcement and issuing of designation status, requirements for continued eligibility, and monitoring procedure.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no additional applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed Feb. 9, 1983, effective Feb. 19, 1983, expired June 19, 1983. Original rule filed Feb. 9, 1983, effective May 12, 1983. Rescinded: Filed Oct. 20, 2022.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 85 – Division of Business and Community  
Services  
Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.040 Complaints.** This rule established the procedure for reporting complaints.

*PURPOSE: This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no further applications for designations, exemptions, or tax credits have been or will be received.*

*AUTHORITY: section 135.250, RSMo 1986. Emergency rule filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Original rule filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 2022.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General*

Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 85 – Division of Business and Community Services**  
**Chapter 3 – Enterprise Zone Program**

**PROPOSED RESCISSION**

**4 CSR 85-3.050 Withdrawal of Approval.** This rule established the conditions under which revocation of designation might have occurred.

*PURPOSE:* This rule is being rescinded as the last active Enterprise Zone expired in December 2019, and no further applications for designations, exemptions, or tax credits have been or will be received.

*AUTHORITY:* section 135.250, RSMo 1986. Emergency rule filed March 2, 1984, effective March 12, 1984, expired June 12, 1984. Original rule filed March 2, 1984, effective June 11, 1984. Rescinded: Filed Oct. 20, 2022.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 260 – Division of Savings and Loan Supervision**  
**Chapter 1 – Introduction**

**PROPOSED RESCISSION**

**4 CSR 260-1.010 Description of Organization.** The purpose of this regulation was to comply with section 536.023(3), RSMo (1986), which requires each agency to adopt as a regulation a description of its operation and the methods and procedures where the public may obtain information or make submissions or requests.

*PURPOSE:* This rule is being rescinded as the Division of Finance is now a part of the Department of Commerce and Insurance. All the other rules in this division were moved to 4 CSR 140, then 20 CSR 1140. The Division of Finance rule at 20 CSR 1140-1.010 (titled "General Organization") is very similar to this rule and cites section 536.023, RSMo, as authority, effectively replacing this rule.

*AUTHORITY:* section 369.299, RSMo 1986. Original rule filed Dec. 22, 1975, effective Dec. 31, 1975. Amended: Filed June 7, 1979, effective Oct. 12, 1979. Amended: Filed Nov. 4, 1986, effective Jan. 30, 1987. Rescinded: Filed Oct. 20, 2022.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Economic Development, Attention: General Counsel, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 11 – DEPARTMENT OF PUBLIC SAFETY**  
**Division 45 – Missouri Gaming Commission**  
**Chapter 7 – Security and Surveillance**

**PROPOSED AMENDMENT**

**11 CSR 45-7.010 Definition of Licensee.** The commission is amending section (1) and the purpose statement.

*PURPOSE:* This amendment updates the class designation and modifies the purpose statement.

*PURPOSE:* This rule [establishes definitions for] defines licensee as used in this chapter.

(1) For purposes of this chapter, licensee shall mean the holder of a Class [A] B license.

*AUTHORITY:* sections 313.004[, 313.800, 313.805, RSMo 1994] and 313.807, RSMo [Supp. 1997] 2016, and sections 313.800 and 313.805, RSMo Supp. 2022. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 27, 2022.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment via email to [MGCpolicy@mgc.dps.mo.gov](mailto:MGCpolicy@mgc.dps.mo.gov), or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 4, 2023, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

**Title 11 – DEPARTMENT OF PUBLIC SAFETY**  
**Division 45 – Missouri Gaming Commission**  
**Chapter 7 – Security and Surveillance**

**PROPOSED AMENDMENT**

**11 CSR 45-7.120 Surveillance System Plans.** The commission is amending the purpose statement and section (1).

**PURPOSE:** This amendment updates the purpose statement and the class designation.

**PURPOSE:** This rule establishes **the requirements for surveillance system plans**.

(1) Every applicant for a Class **[A] B** license shall submit a surveillance system plan to the commission no later than sixty (60) days prior to the start of gaming operations.

**AUTHORITY:** sections 313.004[, 313.805] and 313.824, RSMo [2000] 2016, and sections 313.800 and 313.805, RSMo Supp. [2006] 2022. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed July 28, 2006, effective March 30, 2007. Amended: Filed Oct. 27, 2022.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment via email to [MGCPolicy@mgc.dps.mo.gov](mailto:MGCPolicy@mgc.dps.mo.gov), or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 4, 2023, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

### Title 11 – DEPARTMENT OF PUBLIC SAFETY Division 45 – Missouri Gaming Commission Chapter 7 – Security and Surveillance

#### PROPOSED AMENDMENT

**11 CSR 45-7.145 Reimbursement for Cost of Contracted Commission Agents.** The commission is amending section (1), the title, and the purpose statement.

**PURPOSE:** This amendment updates the class designation, purpose statement, and the title.

**PURPOSE:** This rule [establishes the procedure for reimbursing] **requires the reimbursement of** the commission for the cost of **contracted** commission agents.

(1) Each holder of a Class **[A] B** license shall reimburse the commission **[on a monthly basis]** for the full cost of services provided pursuant to any agreement the commission has entered into with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the Missouri State Highway Patrol, the state attorney general, or any state, federal or local agency the commission deems necessary to carry out the duties of the commission when such agreements result in services provided for the supervision or regulation of the licensee.

**AUTHORITY:** sections 313.004 and [313.805.] 313.824, RSMo [1994] 2016, and section 313.805, RSMo Supp. 2022. Emergency rule filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Emergency rule filed Oct. 25, 1994, effective Nov. 4, 1994,

expired March 3, 1995. Original rule filed June 14, 1994, effective Jan. 29, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 27, 2022.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment via email to [MGCPolicy@mgc.dps.mo.gov](mailto:MGCPolicy@mgc.dps.mo.gov), or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 4, 2023, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.

### Title 12 – DEPARTMENT OF REVENUE Division 10 – Director of Revenue Chapter 41 – General Tax Provisions

#### PROPOSED AMENDMENT

**12 CSR 10-41.010 Annual Adjusted Rate of Interest.** The Director of Revenue proposes to amend section (1) to reflect the interest to be charged on unpaid, delinquent taxes.

**PURPOSE:** This proposed amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2023.

(1) Pursuant to section 32.065, RSMo, the Director of Revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%
2012	3%
2013	3%
2014	3%

2015	3%
2016	3%
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%
<b>2023</b>	<b>6%</b>

*AUTHORITY: section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 21, 2022, effective Jan. 1, 2023, expires June 29, 2023. Amended: Filed Oct. 21, 2022.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars in the aggregate. This proposed amendment will result in an increase in the interest rate charged on delinquent taxes. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legislative Office, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

### FISCAL NOTE PUBLIC COST

#### I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Emergency Amendment

#### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is 6%.</i>

#### III. WORKSHEET

The proposed amendment establishes the rate of interest for 2023 at six percent (6%), which is three percent (3%) higher than the rate in 2022.

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6% on each \$100 of delinquent taxes to public entities.

#### Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 3.00%	Proposed Amendment 6.00%
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

#### IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefore the delinquent rate will be six percent (6%).

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	<i>This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes will be 6%. The actual number of affected taxpayers is unknown.</i>

**III. WORKSHEET**

The proposed amendment establishes the rate of interest for 2023 at six percent (6%).

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2023 interest rate imposed on delinquent taxes is six percent (6%) and will assessed on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

**Interest on Delinquent Taxes Paid to Department of Revenue**

	<b>Current Rule 3.00%</b>	<b>Proposed Amendment 6.00%</b>
<b>Example:</b>		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$6.00
<b>Total Amount Due</b>	<b>\$103.00</b>	<b>\$106.00</b>

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2023 is five point seven three percent (5.73%). The statute requires the interest rate be "rounded to the nearest full percent"; therefor the delinquent rate will be six percent (6%).

**Title 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 70 – MO HealthNet Division  
Chapter 90 – Home Health Program**

**PROPOSED AMENDMENT**

**13 CSR 70-90.010 Home Health-Care Services.** The MO HealthNet Division is amending subsections (1)(A)–(C) and (3) (B), section (7), and paragraphs (8)(A)3. and (8)(B)3.

*PURPOSE: This amendment changes the practitioners that may order home health services due to a change in federal regulations found at 42 CFR 440.70, updates incorporated by reference dates, and corrects a reference error.*

(1) An otherwise eligible MO HealthNet participant is eligible for MO HealthNet reimbursement on his/her behalf for home health services if all the conditions of subsections (1)(A)–(C) are met[.]–

(A) The services are prescribed by the participant's physician, **a nurse practitioner, a clinical nurse specialist, or a physician assistant within the scope of practice authorized under state law**, who documents a face-to-face patient encounter occurred in accordance with 42 CFR 440.70(f). If a Medicare face-to-face encounter document has already been provided for the same participant episode of care, it will suffice as the MO HealthNet face-to-face documentation requirement;

(B) The services are provided in accordance with a **written** plan of care which clearly documents the need for services and is reviewed by the **[physician] ordering practitioner** at least every sixty (60) days; and

(C) The services are provided in the participant's place of residence as specified in 42 CFR 440.70(c) by a qualified person in the employ of or under contract to a Medicare-certified home health agency which is also licensed by Missouri and enrolled with the MO HealthNet program. 42 CFR 440.70 [is] as published by the *Federal Register*, at <https://www.ecfr.gov/>. **A copy of 42 CFR 440.70 on November 12, 2019, September 19, 2022, is incorporated by reference and made a part of this rule[. as published by]. A copy of 42 CFR 440.70 is available at the Department of Social Services, MO HealthNet Division, 615 Howerton Ct., Jefferson City, MO 65109, and at its website at <https://dssruletracker.mo.gov/dss-proposed-rules/welcome.action>. This rule does not incorporate any subsequent amendments or additions.**

(3) To qualify as skilled nursing care or as physical, occupational, or speech therapy under subsection (2)(A) or subsection (2)(B) and to be reimbursable under the MO HealthNet Home Health Program, a service must meet the following criteria:

(B) The service must generally consist of no more than one (1) visit per discipline per day, as further defined in section [(5)] (6); and

(7) To be reimbursed by MO HealthNet, all home health services and supplies must be provided in accordance with a **written** plan of care authorized by the **[participant's physician] ordering practitioner**. The criteria for the development of the written plan of care and changes to the written plan of care through interim order(s) are described in the *MO HealthNet Division Home Health Provider Manual*. The *MO HealthNet Division Home Health Provider Manual* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <http://manuals.momed.com/manuals/>, September [24, 2021] **21, 2022**. This rule does not incorporate any subsequent amendments or additions. Plans of care and interim order(s) are to be maintained in the client record.

(8) Skilled therapy services as described in subsection (2)(B) will be considered reasonable and necessary for treatment if the conditions of paragraphs (8)(A)1.–4. are met.

(A) The services –

1. Must be consistent with the nature and severity of the illness or injury and the participant's particular medical needs;

2. Must be considered, under accepted standards of medical practice, to be specific and effective treatment for the patient's condition;

3. Must be provided with the expectation of good potential for rehabilitation, based on assessment made by the **[participant's physician] ordering practitioner**; and

4. Are necessary for the establishment of a safe and effective maintenance program, or for teaching and training a caregiver.

(B) Therapy services may be delivered for one (1) certification period (up to sixty (60) days), if services are initiated within sixty (60) days of onset of the condition or within sixty (60) days from date of discharge from the hospital, if the participant was hospitalized for the condition. Prior authorization to continue therapy services beyond the initial certification period may be requested by the home health provider. Prior authorization requests will be reviewed by the MO HealthNet Division, and approval or denial of the continuation of services will be based on the following criteria:

1. The service must be consistent with the nature and severity of the illness or injury and the participant's particular medical needs;

2. The services are considered, under accepted standards of medical practice, to be specific and effective treatment for the patient's condition; and

3. The services must be provided with the expectation, based on the assessment made by the **[attending physician] ordering practitioner**, that the participant's condition will improve materially in a reasonable and generally predictable period of time, or are necessary to the establishment of a safe and effective maintenance program.

*AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2021] 2022. This rule was previously filed as 13 CSR 40-81.056. Original rule filed April 14, 1982, effective July 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 25, 2022.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 70 – MO HealthNet Division  
Chapter 97 – Health Insurance Premium Payment  
(HIPP) Program**

**PROPOSED AMENDMENT**

**13 CSR 70-97.010 Health Insurance Premium Payment (HIPP) Program.** The Department of Social Services is amending the purpose statement, sections (1), (3), (5), (6), and (9), and adding

new sections (14) and (15).

*PURPOSE: This amendment defines “participant” and lists additional exceptions to participation in the HIPP Program.*

*PURPOSE: This rule establishes [guidelines for the health insurance premium payment program in accordance with section 1906 of the Social Security Act, P.L. 101-508 of November 5, 1990, as amended] that [T]he Department of Social Services, MO HealthNet Division shall pay for the cost of enrolling an eligible MO HealthNet participant in a group or individual health insurance plan when the MO HealthNet Division determines it is cost-effective to do so.*

(1) Definitions.

(A) “Group health insurance” shall mean any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer’s employees, former employees, or the families of the employees or former employees. A group health plan must meet section 5000(b)(1) of the *Internal Revenue Code of 1986*, as amended, and include continuation coverage pursuant to Title XXII of the Public Health Service Act, section 4980B of the *Internal Revenue Code of 1986*, or Title VI of the Employee Retirement Income Security Act of 1974, as amended. Participation in a health insurance plan that is not group health insurance as defined in this section is not a condition of MO HealthNet eligibility.

(B) “Participant” shall mean MO HealthNet enrollee eligible for comprehensive or full coverage under Medicaid.

(3) Cost-effectiveness. Enrollment in a health insurance plan is considered cost-effective when the cost of paying the premiums, coinsurance, deductibles and other cost-sharing obligations, and additional administrative costs is likely to be less than the amount paid for an equivalent set of MO HealthNet services. When determining the cost-effectiveness of the health insurance plan, the following data shall be considered:

(A) The cost of the insurance premium, coinsurance and deductible[.];

(B) The scope of services covered under the insurance plan[, including exclusions for pre-existing conditions, exclusions to enrollment and lifetime maximum benefits imposed];

(5) Exceptions to Payment. Premiums shall not be paid for health insurance plans under any of the following circumstances:

(D) The insurance plan is an indemnity policy which supplements the policyholder’s income or pays only a predetermined amount for services covered under the policy (for example, fifty dollars (\$50) per day for hospital services instead of eighty percent (80%) of the charge); [or]

(E) The participant is Children’s Health Insurance Program (CHIP) eligible;

(F) The participant is Medicare eligible;

(G) The health insurance is court ordered;

[(E)](H) The persons covered under the plan are not MO HealthNet[-] eligible on the date the decision regarding eligibility for the HIPP program is made[.]; or

(I) The participant is enrolled in a MO HealthNet Division (MHD) managed care plan or has the option to enroll in a MHD managed care plan.

(6) Duplicate Policies. When more than one (1) health insurance plan or policy is available, the Department of Social Services, MO HealthNet Division shall pay only for the most cost-effective plan. [However, in situations where the department is buying-in to the cost of Medicare Part A or Part B for eligible Medicare beneficiaries, the cost of premiums for a Medicare supplemental

insurance policy may also be paid if the department determines it is likely to be cost-effective to do so.]

(9) Method of Premium Payment. Payments of health insurance premiums will be made directly to the insurance carrier except as follows:

(B) When the employer will not agree to accept premium payments from the department in lieu of a payroll deduction to the employee’s wages, the department shall [reimburse] prospectively pay the policyholder directly for payroll deductions or for payments made directly to the employer for the payment of health insurance premiums[.];

(C) When premium payments occur through an automatic withdrawal from a bank account by the insurance carrier, the department may [reimburse] prospectively pay the policyholder for said withdrawals; [and]

(D) When the department is otherwise unable to make direct premium payments because the health insurance is offered through a contract that covers a group of persons identified as individuals by reference to their relationship to the entity, the department shall [reimburse] prospectively pay the policyholder for premium payments made to the entity[.]; and

(E) Participants shall provide documentation to the department of the monthly premium paid by payroll deduction or bank account auto-withdrawal. This documentation must be received by the department on a monthly basis. Failure to provide this documentation on a timely basis may result in non-payment of the HIPP premium by the department or exclusion from the HIPP program.

(13) Administration. HIPP Program information and forms are currently located and can be accessed on the MO HealthNet Division’s website at [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd). [HIPP Program information and forms shall be determined by the division and shall be included in the MO HealthNet provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), March 3, 2008. The rule does not incorporate any subsequent amendments or additions.]

(14) Dental and Vision Benefits. Dental and vision insurance policies will not be eligible for premium assistance unless the benefits are part of the medical policy and cannot be separated from the medical policy premium. Dental and vision benefits will be provided to participants through wrap-around coverage.

(15) Cost Sharing. The department must be notified three (3) weeks prior to a Medicaid-covered service to receive prospective payment for any cost sharing obligation. Payment for cost sharing related to services obtained without notice to the department will be reimbursed. Documentation supporting the services occurred, and cost sharing payment was made, must be submitted to the department by the end of the month following the date of service.

*AUTHORITY: sections 208.153 [and], 208.201, and 660.017, RSMo [Supp. 2010] 2016. Original rule filed June 30, 1994, effective Jan. 29, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 31, 2022.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 19 – DEPARTMENT OF HEALTH AND  
SENIOR SERVICES**

**Division 25 – Missouri State Public Health  
Laboratory**

**Chapter 30 – Determination of Blood Alcohol by  
Blood, Breath, Saliva, and Urine Analysis; and  
Determination for the Presence of Drugs in Blood,  
Saliva, and Urine**

**PROPOSED AMENDMENT**

**19 CSR 25-30.021 Type I Permit.** The department is amending section (3).

*PURPOSE: This amendment adds back to the rule an accreditation that is currently held by one (1) of the laboratories in Missouri that upon further review has been deemed an acceptable accreditation.*

(3) Laboratories wherein analyses are performed by Type I permit holders shall maintain complete records of testing, quality assurance data, logbooks, and other documentation related to the performance of tests as established under general standards of laboratory practice and chain-of-custody procedures.

(B) Laboratories that perform analyses of blood, saliva, or urine for the presence of drugs shall hold a **forensic drug testing accreditation through the College of American Pathologists (CAP)**, an accreditation through the American Board of Forensic Toxicologists (ABFT), or **an accreditation** through an accreditation body that is a signatory of the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA). This accreditation shall include an annual forensic proficiency test on each biological matrix (blood, saliva, or urine) tested. A copy of the certification for each laboratory shall be supplied to the Missouri State Public Health Laboratory upon request.

*AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016. This rule previously filed as 19 CSR 20-30.021. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.021, Jan. 1, 1995. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020. Emergency amendment filed Nov. 1, 2022, effective Nov. 16, 2022, expires May 14, 2023. Amended: Filed Nov. 1, 2022.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Mike Massman, Director, Missouri Department of Health and Senior Services, Missouri State Public Health Laboratory, PO Box 570, Jefferson City, MO 65102, or by email at Mike.Massman@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 20 – DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2030 – Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 5 – Examinations**

**PROPOSED AMENDMENT**

**20 CSR 2030-5.110 Standards for Admission to Examination – Professional Land Surveyors.** The board is amending sections (1), adding new section (2), renumbering as necessary, and amending newly numbered sections (3) and (5).

*PURPOSE: This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.*

(1) **Prior to January 1, 2024, [N]no** person shall apply for examination and licensure as a professional land surveyor in the state of Missouri unless said person is currently enrolled as a land *[surveyor-in-training]* **surveyor-intern** and unless said person shall have acquired at least four (4) years of satisfactory professional field and office experience in land surveying under the immediate personal supervision of a professional land surveyor upon their date of enrollment.

(2) **On or after January 1, 2024, no person shall apply for examination and licensure as a professional land surveyor in the state of Missouri unless said person is currently enrolled as a land surveyor-intern and meets the requirements of subsection (A).**

(A) Any person may apply for examination and licensure as a professional land surveyor who is currently enrolled as a land surveyor-intern and who:

1. Is a high school graduate or holds a GED and who has graduated and received a baccalaureate degree in an approved curriculum, as defined by the board, which shall include at least fifteen (15) semester hours of approved surveying course work, as defined by the board, of which at least six (6) semester hours shall be in the legal aspects of boundary surveying, and shall have acquired at least four (4) years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor;

2. Is a high school graduate or holds a GED and who has passed at least sixty (60) hours of college credit which shall include at least fifteen (15) semester hours of approved surveying course work, as defined by the board, of which at least six (6) semester hours shall be in legal aspects of boundary surveying, and shall have acquired at least five (5) years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor; or

3. Is a high school graduate or holds a GED and who has passed at least fifteen (15) semester hours of approved surveying coursework, as defined by the board, of which at least six (6) semester hours shall be in legal aspects of land surveying, and shall have acquired at least six (6) years of satisfactory field and office experience in land surveying under the immediate personal supervision of a professional land surveyor.

(B) Up to one (1) year of post-secondary education, approved by the board, may count as equivalent work experience.

(C) Any person enrolled as a land surveyor-in-training or land surveyor-intern prior to January 1, 2024, shall only be required to meet the requirements in pursuant to their enrollment.

(3) *[However, a]* Applicants may accrue up to one (1) year (twelve (12) months) credit for satisfactory land surveying experience earned while in the military even if that experience was not completed under the immediate personal supervision of a licensed professional land surveyor.

[(2)](4) For professional field and office experience in land surveying to be deemed satisfactory, the applicant shall have obtained at least twenty-four (24) months of the required experience as field experience and at least sixteen (16) months of the required experience as office experience. In evaluating satisfactory professional field and office experience in land surveying, credit shall be given as follows:

- (A) Party chief – year for year **credit**;
- (B) Office work (combination of record research, survey calculations, and preparation of property descriptions as relating to property boundary surveys and/or the reestablishment of the U.S. public land survey corners) – *[(year-for-year credit)]*;
- (C) Individual evaluation may result in less than full credit; and
- (D) Design or construction surveying work experience in the field or office will receive no more than eight (8) months credit.

[(3)](5) Sections (1) *[and]*, (2), and (4) shall not apply to any applicant for licensure by comity who received waiver of educational and examination requirements under 20 CSR 2030-4.080(4).

*AUTHORITY:* section[s] 327.041 *[and 327.314]*, RSMo 2016, and sections 327.312 and 327.314, RSMo Supp. [2020] 2022. This rule originally filed as 4 CSR 30-5.110. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 26, 2022.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at [moapeplspla@pr.mo.gov](mailto:moapeplspla@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE

### Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 5 – Examinations

#### PROPOSED AMENDMENT

**20 CSR 2030-5.120 Scope of Examination – Land [Surveyor-in-Training] Surveyor-Intern and Professional Land Surveyors.** The board is amending the title, purpose, and section (1).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

*PURPOSE:* This rule establishes the examinations that are required of a person applying for enrollment as a land *[surveyor-in-train-*

*ing] surveyor-intern* under section 327.312, RSMo, and for a person applying for licensure as a professional land surveyor other than nonresident or resident military spouses exempt under section 324.009(2), RSMo.

(1) The examination for enrollment as a land *[surveyor-in-training] surveyor-intern* shall be the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.

*AUTHORITY:* section[s] 327.041 *[and 327.314]*, RSMo 2016, and sections 327.312 and 327.314, RSMo Supp. [2020] 2022. This rule originally filed as 4 CSR 30-5.120. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 26, 2022.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at [moapeplspla@pr.mo.gov](mailto:moapeplspla@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE

### Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 5 – Examinations

#### PROPOSED AMENDMENT

**20 CSR 2030-5.130 Reexamination – Land [Surveyor-in-Training] Surveyor-Intern and Professional Land Surveyor.** The board is amending the title, purpose, and section (1).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

*PURPOSE:* This rule outlines the policy for reexamination of land *[surveyor-in-training] surveyor-intern* and professional land surveyor applicants who fail the examination(s).

(1) An applicant for enrollment as a land *[surveyor-in-training] surveyor-intern* failing to make a passing grade on the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Surveying Examination may have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the applicant applies for reexamination in accordance with NCEES policy.

*AUTHORITY:* sections 327.041[, 327.314, 327.331,] and 327.341, RSMo 2016, and sections 327.312, 327.313, 327.314, and 327.321, RSMo Supp. [2018] 2022. This rule originally filed as 4 CSR 30-5.130. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 26, 2022.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars

(\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at [moapeplspla@pr.mo.gov](mailto:moapeplspla@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE

### Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 6 – Fees

#### PROPOSED AMENDMENT

**20 CSR 2030-6.015 Application, Renewal, Relicensure, and Miscellaneous Fees.** The board is amending subsection (1)(L).

**PURPOSE:** This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects:

(L) Land **[Surveyor-in-Training] Surveyor-Intern**  
Application Filling Fee \$10

**AUTHORITY:** section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 26, 2022.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at [moapeplspla@pr.mo.gov](mailto:moapeplspla@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## Title 20 – DEPARTMENT OF COMMERCE AND INSURANCE

### Division 2030 – Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 14 – Definitions

#### PROPOSED AMENDMENT

**20 CSR 2030-14.020 Definition of Baccalaureate Degree**

**From Approved Curriculum as Used in Section 327.312.1(1), RSMo.** The board is amending section (1).

**PURPOSE:** This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The approved curriculum for a baccalaureate degree as it applies to admission to the land **[surveyor-in-training] surveyor-inter**n program will be deemed acceptable if the candidate holding the degree has achieved all of the credits in college level courses in accordance with the following table:

General Title	Representative Course Titles	Semester Hours
Mathematics	Trigonometry, Algebra, Analytic Geometry, Calculus, Statistics	12
Communications	Technical Writing, Speech	3
Legal Aspects of Boundary Survey	Legal Principles of Surveying, Missouri Surveying Law, Legal Principles and Boundary Control, Legal Aspects of Surveying, United States Public Land Surveying System (UPLSS)	3
Science	Physics, Geophysics, Astronomy, Computer Science, Remote Sensing	12
Surveying (A)	Surveying I, Surveying II, Land Surveying, Fundamentals of Surveying, Advanced Surveying, Surveying Calculations	6
Surveying (B)	Subdivision Design, Route and Construction Surveying, Geomatics, Introduction to GIS, Geodesy and Geodeic Positioning, Geospatial Technologies, Photogrammetry, UAS Mapping	3

**AUTHORITY:** section[s] 327.041 [and 327.312], RSMo 2016, and **section 327.312, RSMo Supp. 2022**. This rule originally filed as 4 CSR 30-14.020. Original rule filed Jan. 12, 1984, effective April 12, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 26, 2022.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at [moapeplspla@pr.mo.gov](mailto:moapeplspla@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2030 – Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 14 – Definitions**

**PROPOSED AMENDMENT**

**20 CSR 2030-14.030 Definition of Twenty Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(2), RSMo.** The board is amending section (1).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The approved curriculum for a person applying for admission to the land *[surveyor-in-training]* **surveyor-intern** program and who has at least sixty (60) semester hours of college level courses will be in accordance with the following table:

General Title	Representative Course Titles	Semester Hours
Mathematics	Trigonometry, Algebra, Analytic Geometry, Calculus, Statistics	8
Communications	Technical Writing, Speech	3
Legal Aspects of Boundary Survey	Legal Principles of Surveying, Missouri Surveying Law, Legal Principles and Boundary Control, Legal Aspects of Surveying, United-States Public Land Surveying System (UPLSS)	3
Science	Physics, Geophysics, Astronomy, Computer Science, Remote Sensing	9
Surveying (A)	Surveying I, Surveying II, Land Surveying, Fundamentals of Surveying, Advanced Surveying, Surveying Calculations	12
Surveying (B)	Subdivision Design, Route and Construction Surveying, Geomatics, Introduction to GIS, Geodesy and Geodetic Positioning, Geospatial Technologies, Photogrammetry, UAS Mapping	5

*AUTHORITY:* section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-14.030. Original rule filed Jan. 12, 1984, effective April 12, 1984. Moved to 20 CSR 2030-14.030, effective Aug. 28, 2006. Non-substantive change filed Oct. 21, 2015, published Dec. 31, 2015. Amended: Filed March 20, 2018, effective Sept. 30, 2018. Amended: Filed Oct. 26, 2022.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box

184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20 – DEPARTMENT OF COMMERCE AND  
INSURANCE**

**Division 2030 – Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Professional Landscape Architects  
Chapter 14 – Definitions**

**PROPOSED AMENDMENT**

**20 CSR 2030-14.040 Definition of Twelve Semester Hours of Approved Surveying Course Work as Used in Section 327.312.1(3), RSMo.** The board is amending section (1).

*PURPOSE:* This rule is being amended to come into compliance with a statutory amendment via HB 2149, effective August 28, 2022.

(1) The approved surveying course work as it applies to admission to the land *[surveyor-in-training]* **surveyor-intern** program without either a baccalaureate or associate degree-type program will be deemed acceptable if the candidate has achieved all the credits in college level courses in accordance with the following table:

General Title	Representative Course Titles	Semester Hours
Surveying (A)	Surveying I, Surveying II, Land Surveying, Fundamentals of Surveying, Advanced Surveying, Surveying Calculations	9
Legal Aspects of Boundary Survey	Legal Principles of Surveying, Missouri Surveying Law, Legal Principles and Boundary Control, Legal Aspects of Surveying, United States Public Land Surveying System (UPLSS)	3

*AUTHORITY:* section 327.041, RSMo 2016. This rule originally filed as 4 CSR 30-14.040. Original rule filed Jan. 12, 1984, effective April 12, 1984. Moved to 20 CSR 2030-14.040, effective Aug. 28, 2006. Non-substantive change filed Oct. 21, 2015, published Dec. 31, 2015. Amended: Filed March 20, 2018, effective Sept. 30, 2018. Amended: Filed Oct. 26, 2022.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 22 – MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10 – Health Care Plan  
Chapter 2 – State Membership**

**PROPOSED AMENDMENT**

**22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members.** The Missouri Consolidated Health Care Plan is amending section (1).

*PURPOSE: This amendment revises Medicare Part D coverage stage and copayment amounts.*

(1) The pharmacy benefit for Medicare primary non-active members is provided through a Pharmacy Employer Group Waiver Plan (EGWP) as regulated by the Centers for Medicare and Medicaid Services hereinafter referred to as the Medicare Prescription Drug Plan.

(F) The Medicare Prescription Drug Plan is comprised of a Medicare Part D prescription drug plan contracted by MCH-CP and some non-Part D medications that are not normally covered by a Medicare Part D prescription drug plan. The requirements for the Medicare Part D prescription drug plan are as follows:

1. The Centers for Medicare and Medicaid Services regulates the Medicare Part D prescription drug program. The Medicare Prescription Drug Plan abides by those regulations;

2. Initial coverage stage. Until a member's total yearly Part D prescription drug costs reach *[four thousand four hundred thirty dollars (\$4,430)]* **four thousand six hundred sixty dollars (\$4,660)**, the member will pay the following copayments:

A. Preferred formulary generic drugs: thirty-one- (31-) day supply has a ten dollar (\$10) copayment; sixty- (60-) day supply has a twenty dollar (\$20) copayment; ninety- (90-) day supply at retail has a thirty dollar (\$30) copayment; and a ninety- (90-) day supply through home delivery has a twenty-five dollar (\$25) copayment;

B. Preferred formulary brand drugs: thirty-one- (31-) day supply has a forty dollar (\$40) copayment; sixty- (60-) day supply has an eighty dollar (\$80) copayment; ninety- (90-) day supply at retail has a one hundred twenty dollar (\$120) copayment; and a ninety- (90-) day supply through home delivery has a one hundred dollar (\$100) copayment; and

C. Non-preferred formulary drugs and approved excluded drugs: thirty-one- (31-) day supply has a one hundred dollar (\$100) copayment; sixty- (60-) day supply has a two hundred dollar (\$200) copayment; ninety- (90-) day supply at retail has a three hundred dollar (\$300) copayment; and a ninety- (90-) day supply through home delivery has a two hundred fifty dollar (\$250) copayment;

3. Coverage gap stage. After a member's total yearly Part D prescription drug costs exceed *[four thousand four hundred thirty dollars (\$4,430)]* **four thousand six hundred sixty dollars (\$4,660)** and remain below *[seven thousand fifty dollars (\$7,050)]* **seven thousand four hundred dollars (\$7,400)**, the member will continue to pay the same cost-sharing amount as in the initial coverage stage until the yearly out-of-pocket Part D prescription drug costs reach *[seven thousand fifty dollars (\$7,050)]* **seven thousand four hundred dollars (\$7,400)**;

4. Catastrophic coverage stage. After a member's total yearly out-of-pocket Part D prescription drug costs reach *[seven thousand fifty dollars (\$7,050)]* **seven thousand four hundred dollars (\$7,400)**, the member will pay the greater of –

A. Five percent (5%) coinsurance or a *[three dollar and ninety-five cent (\$3.95)]* **four dollar and fifteen cent (\$4.15)** copayment for covered generic drugs (including brand drugs

treated as generics), with a maximum not to exceed the standard copayment during the initial coverage stage; or

B. Five percent (5%) coinsurance or a *[nine dollar and eighty-five cent (\$9.85)]* **ten dollar and thirty-five cent (\$10.35)** copayment for all other covered drugs, with a maximum not to exceed the standard copayment during the initial coverage stage; and

5. Amounts paid by the member or the plan for non-Part D prescription drugs will not count toward total Part D prescription drug costs or total Part D prescription drug out-of-pocket costs.

*AUTHORITY: section 103.059, RSMo 2016. Emergency rule filed Oct. 30, 2013, effective Jan. 1, 2014, expired June 29, 2014. Original rule filed Oct. 30, 2013, effective June 30, 2014. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 28, 2022, effective Jan. 1, 2023, expires June 29, 2023. Amended: Filed Oct. 28, 2022.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted that has been changed from the text contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments that are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 5 – DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30 – Division of Financial and  
Administrative Services  
Chapter 4 – General Administration**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 160.405, 161.092, 165.121, 167.201, and 178.430, RSMo 2016, the board amends a rule as follows:

5 CSR 30-4.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 872-874). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed amendment.

COMMENT #1: The Division of Financial and Administrative Services, during a review of its proposed amendment, noted the documents incorporated by reference did not include a date of publication.

RESPONSE AND EXPLANATION OF CHANGE: The department added the reference dates for each publication in sections (7) and (8).

**5 CSR 30-4.030 Audit Policy and Requirements**

(7) *The Single Audit Act Amendments of 1996*, 62 FR 35278-35319, and the Office of Management and Budget (OMB) *Uniform Grant Guidance*, 2 CFR Part 200, are hereby incorporated by reference and made a part of this rule as published by the Office of the Federal Register, April 2022, and are available by contacting the Office of Administration, Publications Office, Room 2200, New Executive Office Building, Washington, DC. Copies of these regulations can also be obtained from the Department of Elementary and Secondary Education, Division of Financial and Administrative Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

(8) *The Government Auditing Standards*, issued by the Comptroller General of the United States, are hereby incorporated by reference and made a part of this rule as published by the U.S. Government Accountability Office, 441 G St. NW, Washington, DC 20548, April 2022. Copies of these regulations can also be obtained from the Department of Elementary and Secondary Education, Division of Financial and Administrative Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

**Title 10 – DEPARTMENT OF NATURAL RESOURCES  
Division 140 – Division of Energy  
Chapter 8 – Certification of Renewable Energy and  
Renewable Energy Standard Compliance Account**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under section 393.1030.4., RSMo Supp. 2022, the department withdraws a proposed amendment as follows:

**10 CSR 140-8.010 Certification of Renewable Energy and  
Renewable Energy Standard Compliance Account  
is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1082-1083). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The Department of Natural Resources' Division of Energy received comments on the proposed amendment. A party also noted that the proposal was not posted to the department's online Regulatory Action Tracking System.

RESPONSE: As a result of the procedural error noted above, the department is withdrawing this rulemaking.

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 70 – Division of Alcohol and Tobacco Control  
Chapter 2 – Rules and Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control, under section 311.660,

RSMo Supp. 2022, the division amends a rule as follows:

**11 CSR 70-2.120 Retail Licensees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 874-875). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received one (1) comment on the proposed amendment:

COMMENT #1: Ronald Leone with the Missouri Petroleum & Convenience Association is concerned that the language in 11 CSR 70-2.120(5) could negatively impact video lottery terminal legislation that has been proposed, but has not passed. He believes this change will prevent gas stations, convenience stores, and truck stops from obtaining both a retail by drink license and an original package license, which he says is a requirement of the previously proposed legislation.

RESPONSE: The division currently does not issue both a retail by drink and an original package license at the same location. The retail by drink license allows for package sales, so these establishments could obtain a retail by drink license and still qualify for the video lottery terminal under previously proposed legislation. If the legislation is written to require both licenses at one location, it would be in direct conflict with what is currently allowed. For this reason, no changes have been made to this amendment as a result of this comment.

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 70 – Division of Alcohol and Tobacco Control  
Chapter 2 – Rules and Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control, under section 311.660, RSMo Supp. 2022, the division amends a rule as follows:

**11 CSR 70-2.130 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 875-877). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received six (6) comments on the proposed amendment:

COMMENT #1: Charles Smarr with Brydon, Swearingen & England questioned whether the proposed language in 11 CSR 70-2.130(11) would prevent licensees and their employees from being able to sample products as part of marketing and whether employees would be prevented from consuming intoxicating liquor while cleaning the establishment before and after they close.

RESPONSE AND EXPLANATION OF CHANGE: The division did not intend to remove the ability of a licensee or its employee to participate in samplings for marketing or educational purposes. The division has added language to clarify that this practice is still allowed. The division does not believe

that employees of a liquor licensee should be consuming intoxicating liquor while they are working, and therefore, no language will be changed to allow such.

COMMENT #2: George Randall with Randall's Wines and Spirits questioned whether the proposed language in 11 CSR 70-2.130(11) would invalidate the tasting license and is concerned that manufacturers who depend on tastings for their business will no longer be allowed to hold tastings.

RESPONSE AND EXPLANATION OF CHANGE: The division did not intend to remove the ability of a licensee or its employee to participate in samplings for marketing or educational purposes. The division has added language to clarify that this practice is still allowed.

COMMENT #3: Anthony Bommarito, Jr., with Bommarito Wines and Spirits stated that the proposed language in 11 CSR 70-2.130(11) takes away their ability to taste products alongside their customers, which is how they educate and market different products. He also stated that it is important for Missouri citizens to have the same opportunities as those in other states.

RESPONSE AND EXPLANATION OF CHANGE: The division did not intend to remove the ability of a licensee or its employee to participate in samplings for marketing or educational purposes. The division has added language to clarify that this practice is still allowed.

COMMENT #4: Tom Schawang with Breakthru Beverage stated that the proposed language in 11 CSR 70-2.130(11) would take away the ability for employees and agents of retailers to taste products during a tasting or wine class. He also stated that this revision would prohibit employees from tasting during private events and would prohibit wholesalers from providing samples to retailers.

RESPONSE AND EXPLANATION OF CHANGE: The division did not intend to remove the ability of a licensee or its employee to participate in samplings for marketing or educational purposes. The division has added language to clarify that this practice is still allowed.

COMMENT #5: Charles Andy Arnold with Arnold & Associates is concerned that the proposed language in 11 CSR 70-2.130(11) will impact wine tastings and special events held at retail establishments. He also stated that the current rule only applies to retail by the drink licenses and the proposed rule applies to all licenses.

RESPONSE AND EXPLANATION OF CHANGE: The division did not intend to remove the ability of a licensee or its employee to participate in samplings for marketing or educational purposes. The division has added language to clarify that this practice is still allowed. No other licensed premise is allowed to have consumption on premise besides retail by the drink licenses and consumption licenses, other than the provisions that allow for samples and tastings. Therefore, this change should have no impact and no language will be added or changed to address the comment.

COMMENT #6: Andrew Mullins with Missouri Medical Cannabis Trade Association stated that the proposed language in 11 CSR 70-2.130(14) would limit a licensee's ability to have a private room separate from the sale of intoxicating liquor to allow consumers who hold a medical marijuana card to smoke or imbibe medical marijuana in a designated area on the licensed premises.

RESPONSE AND EXPLANATION OF CHANGE: The division has added language to allow the use of medical marijuana on a licensed premises under certain circumstances.

**11 CSR 70-2.130 Retailer's Conduct of Business**

(11) No person holding a license for the retail sale of intoxicating liquor, nor their employees or agents, may consume any intoxicating liquor, in any quantity, while on duty or acting within the scope of employment or agency relationship. This provision shall not apply to a licensee, their employee, or agent who –

(A) Is conducting a tasting for one (1) or more customers and tastes the product, but does not consume or imbibe, to educate the consumer on the product; or

(B) Is sampling a new product presented by a salesperson marketing the product, as authorized by section 311.070.4(7) and/or 311.197, RSMo; or

(C) Is in the business, but is not on duty nor acting within the scope of employment, whether the establishment is open or closed to the public, so long as the licensee is allowed to be open pursuant to section 311.290, RSMo, or any other provision of Chapter 311 relating to opening and closing.

(14) No person holding a license for the retail sale of intoxicating liquor may permit any person to smoke or imbibe marijuana on or about the licensed premises or create any non-public or quasi-public areas on or about the licensed premises for marijuana usage anytime when intoxicating liquor is being sold, displayed for sale, or consumed. This provision may not preclude a licensee from hosting a private event during which persons holding a valid medical marijuana patient ID card issued by the Department of Health and Senior Services smoke or imbibe medical marijuana in a designated non-public or quasi-public area on or about the licensed premises. To be eligible, the event must occur during allowable hours of operation pursuant to section 311.290, RSMo, or any other provision of Chapter 311 relating to opening and closing; no intoxicating liquor may be sold, displayed for sale, or consumed on or about the licensed premises, and all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed shall be kept securely locked during the event; and written approval must be obtained from the supervisor of alcohol and tobacco control prior to the event.

**Title 11 – DEPARTMENT OF PUBLIC SAFETY  
Division 70 – Division of Alcohol and Tobacco Control  
Chapter 2 – Rules and Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control, under section 311.660, RSMo Supp. 2022, the division amends a rule as follows:

11 CSR 70-2.140 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 877-879). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received seven (7) comments on the proposed amendment:

COMMENT #1: Charles Smarr with Brydon, Swearingen & England stated that the proposed language in 11 CSR 70-2.140(2) would require licensees to be responsible for actions of hired third parties unrelated to liquor and liquor-related actions not

authorized by the licensee.

RESPONSE AND EXPLANATION OF CHANGE: The division's intent is to only impact those actions related to intoxicating liquor. The division has revised the language to only include third-party actions approved by the licensee and related to intoxicating liquor.

COMMENT #2: Bill Teel with the Greater Kansas City Restaurant Association stated that the language in 11 CSR 70-2.140(6) (A) should be revised to allow licensees to store records off-premise and to be able to provide them within a reasonable period of time not to exceed 24 hours. He states that many restaurants don't have the space to maintain records onsite, some have their office at home and maintain records at their home, and some have multiple locations with a central office where records are kept.

RESPONSE AND EXPLANATION OF CHANGE: The division has revised the language to allow for records to be kept electronically instead of onsite. However, the records must be readily available upon request. During a time-sensitive audit or time-sensitive investigation, the division would need quick access to these documents, so a 24-hour waiting period may not always be a reasonable time frame.

COMMENT #3: Charles Smarr with Brydon, Swearingen & England stated that the proposed language in 11 CSR 70-2.140(6)(A) which requires licensees to keep records onsite is outdated in this electronic age. He also states that many large chain licensees keep their records at a central location and he requests that the requirement to keep records onsite be removed.

RESPONSE AND EXPLANATION OF CHANGE: The division has revised the language to allow for records to be kept electronically instead of onsite. However, the records must be readily available upon request.

COMMENT #4: Charles Smarr with Brydon, Swearingen & England questioned the proposed language in 11 CSR 70-2.140(8) which prohibits alternating proprietorships. He stated that the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) allows manufacturers to have alternating proprietorships, which allows them to produce on the same premise, but does not necessarily allow them to sell from the same premises. He asked for clarity and asked for the division to specify if this language should only be applied to wholesalers and retailers.

RESPONSE AND EXPLANATION OF CHANGE: The division agrees that this may cause confusion. The division has removed the language that prohibits alternating proprietorships, so as to avoid confusion.

COMMENT #5: Charles Smarr with Brydon, Swearingen & England stated that the proposed language in 11 CSR 70-2.140(9) which requires separate entrances to be in front does not fit the way some shared buildings are structured. He states that some entrances may be on the sides or the back of the building.

RESPONSE AND EXPLANATION OF CHANGE: The division agrees that some entrances may not be located in front and, thus, has revised the language to remove the requirement that separate entrances be in front.

COMMENT #6: Ronald Leone with the Missouri Petroleum & Convenience Association is concerned that the language in 11 CSR 70-2.140(9) could negatively impact video lottery terminal legislation that has been proposed, but has not passed. He believes this change will prevent gas stations, convenience stores, and truck stops from obtaining both a retail by drink license and an original package license, which he says is a

requirement of the previously proposed legislation.

RESPONSE: The division currently does not issue both a retail by drink and an original package license at the same location. The retail by drink license allows for package sales, so these establishments could obtain a retail by drink license and still qualify for the previously proposed video lottery terminal legislation. If the legislation is written to require both licenses at one location, it would be in direct conflict with what is currently allowed. For this reason, no changes have been made to this amendment as a result of this comment.

COMMENT #7: Charles Smarr with Brydon, Swearingen & England stated that the proposed language in 11 CSR 70-2.140(18) sets out that licensees may not sell or supply intoxicating liquor any place other than the licensed premises. He states that adding the word "supply" is confusing because deliveries are allowed to "supply" consumers with intoxicating liquor off the licensed premises. In addition, retailers may "supply" intoxicating liquor to individuals for free as long as the individual is 21 or older and not intoxicated.

RESPONSE AND EXPLANATION OF CHANGE: The division has added language to exclude deliveries of previously purchased intoxicating liquor from what would be considered supply.

#### 11 CSR 70-2.140 All Licensees

(2) Licensees are at all times responsible for ensuring that the following individuals understand their responsibilities and obligations under Chapter 311, RSMo, and the regulations promulgated thereunder: the licensee; the managing officer, if applicable; any owners, shareholders, members, or partners; or any employee or agent who serves, sells, distributes, or furnishes intoxicating liquor on behalf of the licensee; and any third parties hired, contracted, or otherwise authorized by the licensee to serve, sell, distribute, furnish, or otherwise promote the sale or consumption of intoxicating liquor.

(6) All licensees shall keep complete and accurate records pertaining to their businesses. Such records include a complete and accurate record of all purchases and of all sales of intoxicating liquor made by them. These records are to include the names and addresses of all persons from whom the liquor is purchased, the dates, kinds, and quantities of the purchases and the dates and amounts of payments on account. They also should include the daily gross returns from sales.

(A) All licensees are to keep all records pertaining to their business, including but not limited to files; books; papers; state, county and city licenses; and accounts and memoranda pertaining to the business conducted by them, on the licensed premises. Except for state, county and city licenses, electronic records may be kept in lieu of hard copies, but must be readily accessible.

(8) Only one (1) person, partnership, or entity may be licensed by the supervisor to operate out of any particular premises.

(9) If any premises has multiple licenses for separate businesses in the same building or complex, then the building or complex shall be partitioned in a manner that the partitions run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front, and rear of the building in a manner as to make separate and distinct premises for each licensee. Each licensee shall have a separate entrance and different street addresses, so as to indicate sufficiently that the businesses are run separately and distinct from each other. In addition, the business maintained on each of the premises shall be manned and serviced by an entirely separate and distinct group of employees and there may be no buzzers, bells, or other wiring

or speaking system connecting one (1) business with the other. Separate files, records, and accounts pertaining to the businesses are to be maintained.

(18) No licensee, his/her agent, or employee may sell or supply intoxicating liquor in any place other than that designated on the license or at any other time or in any other manner except as authorized by the license. Order of and payment for any intoxicating liquor must be made directly to the licensee. For the purpose of this regulation, deliveries of intoxicating liquor previously purchased shall not constitute supply.

### Title 11 – DEPARTMENT OF PUBLIC SAFETY Division 70 – Division of Alcohol and Tobacco Control Chapter 2 – Rules and Regulations

#### ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control, under section 311.660, RSMo Supp. 2022, the division amends a rule as follows:

#### 11 CSR 70-2.150 Tax Credits and Refunds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 879). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### Title 11 – DEPARTMENT OF PUBLIC SAFETY Division 70 – Division of Alcohol and Tobacco Control Chapter 2 – Rules and Regulations

#### ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control, under section 311.660, RSMo Supp. 2022, the division amends a rule as follows:

#### 11 CSR 70-2.190 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 879-881). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received one (1) comment on the proposed amendment:

COMMENT #1: Tyler Rudd with the Wine Institute stated that the revision in 11 CSR 70-2.190(2) regarding pricing for substantively identical products adds ambiguity and subjectivity because distinguishing factors is not defined, and suppliers cannot know if such factors will impact the fair market value of the product.

RESPONSE AND EXPLANATION OF CHANGE: The intent of this change is to prevent wholesalers from putting a different UPC or barcode on the same product in order to charge an on-premise retailer a different price than an off-premise retailer. All retailers should be charged the same if the product is the

same. We have revised the language to remove the fair market value piece and to specify that a product is the same if the only distinguishing factor is the UPC or barcode.

#### **11 CSR 70-2.190 Unlawful Discrimination and Price Scheduling**

(2) For the purpose of this rule, substantively identical products refers to products that are indistinguishable from one another and products where the UPC or barcode is the only distinguishing factor.

### **Title 11 – DEPARTMENT OF PUBLIC SAFETY Division 70 – Division of Alcohol and Tobacco Control Chapter 2 – Rules and Regulations**

#### **ORDER OF RULEMAKING**

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control, under section 311.660, RSMo Supp. 2022, the division amends a rule as follows:

11 CSR 70-2.280 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2022 (47 MoReg 881-883). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received two (2) comments on the proposed amendment:

COMMENT #1: Charles Smarr with Brydon, Swearngen & England stated that the proposed language in 11 CSR 70-2.280(1)(H) and 11 CSR 70-2.280(2)(I) should be modified to include the managing officer as a person of contact since 11 CSR 70-2.030 designates this individual as the person to receive correspondence from the state supervisor or a designated representative.

RESPONSE AND EXPLANATION OF CHANGE: The division has added the managing officer as a person of contact when violations are found during on-site and off-site investigations as explained in this regulation.

COMMENT #2: Charles Smarr with Brydon, Swearngen & England stated that the proposed language in 11 CSR 70-2.280(2)(K) is contrary to section 311.720.2(4), which requires the minor to answer truthfully to any questions regarding his or her age. Thus, allowing the governmental authority to not use the minor's information when placing the order is unfair to the shipping business and could potentially result in entrapment.

RESPONSE AND EXPLANATION OF CHANGE: The division has revised the language to require the use of the minor's information when placing orders.

#### **11 CSR 70-2.280 Standards for Using Minors in Intoxicating Liquor Investigations**

(1) On-site Investigations. The following are standards for the use of minors in intoxicating liquor investigations by a state, county, municipal, or other local law enforcement authority where intoxicating liquor is purchased by the minor on or about the licensed premises:

(H) If a violation occurs, the state, county, municipal, or other local law enforcement agency must make reasonable efforts to confront the seller in a timely manner, and within forty-eight (48) hours contact or take all reasonable steps to contact the owner, manager, or managing officer of the establishment;

(2) Off-site Investigations. The following are standards for the use of minors in intoxicating liquor investigations by a state, county, municipal, or other local law enforcement authority where intoxicating liquor is delivered or shipped to the minor at a location other than the licensed establishment:

(I) If a violation occurs, the state, county, municipal, or other local law enforcement agency must make reasonable efforts to confront the person who delivered or shipped the intoxicating liquor product(s) in a timely manner, and within forty-eight (48) hours contact or take all reasonable steps to contact the owner, manager, or managing officer of the establishment that sold the intoxicating liquor;

(K) The state, county, municipal, or other local law enforcement agency must place the order using the minor's information. Regardless of whether a violation occurs, said agency should attempt to recover any funds tendered to the seller and the person delivering or shipping the intoxicating liquor, or an amount equal thereto, and should further secure and inventory any intoxicating liquor delivered or shipped; and

### **Title 13 – DEPARTMENT OF SOCIAL SERVICES Division 70 – MO HealthNet Division Chapter 15 – Hospital Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. 2022, the division amends a rule as follows:

13 CSR 70-15.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2022 (47 MoReg 990-995). Two (2) comments were received and changes have been made as a result. These changes are reprinted below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received two (2) comments on the proposed amendment.

COMMENT #1: Christina Jenks, with the MO HealthNet Division, would like to make the following changes to the proposed regulation: Paragraph (1)(B)1. the word "increase" should be "increased." Subsection (1)(B) needs a new paragraph added to show the methodology for how MHD calculates the FFS portion of the outpatient direct Medicaid payment. Section (1) needs a new subsection added to show the methodology for how MHD calculates the outpatient direct Medicaid payment for new hospitals.

RESPONSE AND EXPLANATION OF CHANGE: The MHD has updated paragraph(1)(B)1. to include the word "increased" instead of "increase." The MHD has added paragraph (1)(B)2. to show the methodology for how MHD calculates the FFS portion of the outpatient direct Medicaid payment. The MHD has added subsection (1)(C) to show the methodology for how MHD calculates the outpatient direct Medicaid payment for new

hospitals.

COMMENT #2: From Kim Dugan, Vice President of Medicaid and FRA, and Amy Volkart, Director of Medicaid and FRA with MHA Management Services Corporation. On behalf of the Missouri Hospital Association and the 141 hospitals that comprise the membership, the following comments are offered for your consideration on the proposed amendment to 13 CSR 70-15.015 Direct Medicaid Payments. Paragraph (1)(B)1. states, "The Medicaid share of the outpatient FRA assessment will be calculated by dividing the hospital's outpatient Medicaid charges by the total outpatient hospitals charges ..." It is not clear whether the outpatient Medicaid charges include only fee-for-service charges or if they include Medicaid managed care charges as well. We recommend that the MO HealthNet Division clarify in the rule which charges are included in this calculation.

RESPONSE AND EXPLANATION OF CHANGE: The MHD has updated paragraph(1)(B)1. to clarify that the outpatient Medicaid charges include both fee-for-service and managed care.

### 13 CSR 70-15.015 Direct Medicaid Payments

#### (1) Outpatient Direct Medicaid Payments.

(A) Outpatient direct Medicaid payments will be made to hospitals for the following allowable MO HealthNet cost:

1. The increased MO HealthNet cost resulting from the Federal Reimbursement Allowance (FRA) assessment becoming an allowable cost on January 1, 1999.

(B) The MO HealthNet Division will calculate the outpatient direct Medicaid payment as follows:

1. The Medicaid share of the outpatient FRA assessment will be calculated by dividing the hospital's outpatient Medicaid charges, fee-for-service (FFS) and managed care (MC), by the total outpatient hospital charges, FFS, and MC, from the base year cost report to arrive at the Medicaid utilization percentage. This percentage is then multiplied by the outpatient FRA assessment for the current state fiscal year (SFY) to arrive at the increased allowable Medicaid cost for the outpatient FRA assessment; and

2. The FFS outpatient ratio will be calculated by dividing the hospital's outpatient FFS Medicaid charges by the hospital's outpatient Medicaid charges, FFS, and MC. This ratio is then multiplied by the increased allowable Medicaid cost for the outpatient FRA assessment to arrive at the FFS direct Medicaid payment.

(C) The MO HealthNet Division will calculate the outpatient direct Medicaid payment for new hospitals as follows:

1. In the absence of adequate cost data, a new hospital's Medicaid share of the outpatient FRA assessment shall be one hundred percent (100%) of the weighted average statewide Medicaid utilization percentage, as calculated in paragraph (1) (B)1., for the hospital type (i.e., acute care hospital, psychiatric hospital, long term care hospital, rehabilitation hospital). This percentage is then multiplied by the outpatient FRA assessment for the current SFY to arrive at the increased allowable Medicaid cost for the outpatient FRA assessment; and

2. In the absence of adequate cost data, a new hospital's FFS outpatient ratio shall be one hundred percent (100%) of the weighted average statewide FFS outpatient ratio, as calculated in paragraph (1)(B)2., for the hospital type (i.e., acute care hospital, psychiatric hospital, long term care hospital, rehabilitation hospital). This ratio is then multiplied by the increased allowable Medicaid cost for the outpatient FRA assessment to arrive at the FFS direct Medicaid payment.

(D) Effective for payments made on or after July 1, 2022, only the FFS component of the Medicaid share of the outpatient FRA assessment will be included in the outpatient direct Medicaid payment.

### Title 13 – DEPARTMENT OF SOCIAL SERVICES Division 70 – MO HealthNet Division Chapter 15 – Hospital Program

#### ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201, 208.453, 208.455, and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 70-15.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2022 (47 MoReg 996-1001). Changes have been made and are reprinted below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received one (1) comment on the proposed amendment.

COMMENT #1: From Kim Dugan, Vice President of Medicaid and FRA, and Amy Volkart, Director of Medicaid and FRA with MHA Management Services Corporation. On behalf of the Missouri Hospital Association and the one hundred forty-one (141) hospitals that comprise the membership, the following comments are offered for your consideration on the proposed amendment to 13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). Paragraph (1)(A)2. defines the base cost report; however, it is not consistent with the definition of base cost report found in 13 CSR 70-15.010. We recommend that the MO HealthNet Division use consistent definitions in the rules.

RESPONSE AND EXPLANATION OF CHANGE: The MHD updated the definition of base cost report in paragraph (1)(A)2. to be consistent with the definition of base cost report found in 13 CSR 70-15.010.

### 13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)

(1) Federal Reimbursement Allowance (FRA). FRA shall be assessed as described in this section.

(A) Definitions.

1. Bad debts – Amounts considered to be uncollectible from accounts and notes receivable that were created or acquired in providing services. Allowable bad debts include the costs of caring for patients who have insurance, but their insurance does not cover the particular service procedures or treatment rendered.

2. Base year cost report – Audited Medicaid cost report from the third prior calendar year. If a hospital has more than one (1) cost report with periods ending in the third prior calendar year, the cost report covering a full twelve- (12-) month period will be used. If none of the cost reports covers a full twelve (12) months, the cost report with the latest period will be used. If a hospital's base year cost report is less than or greater than a twelve- (12-) month period, the data shall be adjusted, based on the number of days reflected in the base year cost report, to a twelve- (12-) month period. Any changes to the base year cost report after the division issues a final decision on assessment will not be included in the calculations.

3. Charity care – Those charges written off by a hospital based on the hospital's policy to provide health care services free of charge or at a reduced charge because of the indigence or medical indigence of the patient.

4. Contractual allowances – Difference between established rates for covered services and the amount paid by third-party payers under contractual agreements. The Federal

Reimbursement Allowance (FRA) is a cost to the hospital, regardless of how the FRA is remitted to the MO HealthNet Division, and shall not be included in contractual allowances for determining revenues. Any redistributions of MO HealthNet payments by private entities acting at the request of participating health care providers shall not be included in contractual allowances or determining revenues or cost of patient care.

5. Department – Department of Social Services.

6. Director – Director of the Department of Social Services.

7. Division – MO HealthNet Division, Department of Social Services.

8. Engaging in the business of providing inpatient health care – Accepting payment for inpatient services rendered.

9. Federal Reimbursement Allowance (FRA) – The fee assessed to hospitals for the privilege of engaging in the business of providing inpatient health care in Missouri. The FRA is an allowable cost to the hospital.

10. Fiscal period – Twelve- (12-) month reporting period determined by each hospital.

11. Gross hospital service charges – Total charges made by the hospital for inpatient and outpatient hospital services that are covered under 13 CSR 70-15.010.

12. Hospital – A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not fewer than twenty-four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide, for not fewer than twenty-four (24) hours in any week, medical or nursing care for three (3) or more nonrelated individuals. The term hospital does not include convalescent, nursing, shelter, or boarding homes as defined in Chapter 198, RSMo.

13. Hospital revenues subject to FRA assessment effective July 1, 2008 – Each hospital's inpatient adjusted net revenues and outpatient adjusted net revenues subject to the FRA assessment will be determined as follows:

A. Obtain "Gross Total Charges" from Worksheet G-2, Line 25, Column 3 from CMS 2552-96, or Worksheet G-2, Line 28, Column 3 from CMS 2552-10, of the third prior year cost report (i.e., FRA fiscal year cost report) for the hospital. Charges shall exclude revenues for physician services. Charges related to activities subject to the Missouri taxes assessed for outpatient retail pharmacies and nursing facility services shall also be excluded. "Gross Total Charges" will be reduced by the following:

(I) "Nursing Facility Charges" from Worksheet C, Part I, Line 35, Column 6 from CMS 2552-96, or Worksheet C, Part I, Line 45, Column 6 from CMS 2552-10;

(II) "Swing Bed Nursing Facility Charges" from Worksheet G-2, Line 5, Column 1 from CMS 2552-96, or Worksheet G-2, Line 6, Column 1 from CMS 2552-10;

(III) "Nursing Facility Ancillary Charges" as determined from the Department of Social Services, MO HealthNet Division, nursing home cost report. (Note: To the extent that the gross hospital charges, as specified in subparagraph (I)(A)13.A. above, include long-term care charges, the charges to be excluded through this step shall include all long-term care ancillary charges including skilled nursing facility, nursing facility, and other long-term care providers based at the hospital that are subject to the state's provider tax on nursing facility services.);

(IV) "Distinct Part Ambulatory Surgical Center Charges" from Worksheet G-2, Line 22, Column 2 from CMS 2552-96, or Worksheet G-2, Line 25, Column 2 from CMS 2552-10;

(V) "Ambulance Charges" from Worksheet C, Part I,

Line 65, Column 7 from CMS 2552-96, or Worksheet C, Part I, Line 95, Column 7 from CMS 2552-10;

(VI) "Home Health Charges" from Worksheet G-2, Line 19, Column 2 from CMS 2552-96, or Worksheet G-2, Line 22, Column 2 from CMS 2552-10;

(VII) "Total Rural Health Clinic Charges" from Worksheet C, Part I, Column 7, Lines 63.50–63.59 from CMS 2552-96, or Worksheet C, Part I, Column 7, Line 88 and subsets from CMS 2552-10; and

(VIII) "Other Non-Hospital Component Charges" from Worksheet G-2, Lines 6, 8, 21, 21.02, 23, and 24 from CMS 2552-96, or Worksheet G-2, Lines 5, 7, 9, 21, 24, 26, and 27 from CMS 2552-10;

B. Obtain "Net Revenue" from Worksheet G-3, Line 3, Column 1. The state will ensure this amount is net of bad debts and other uncollectible charges by survey methodology;

C. "Adjusted Gross Total Charges" (the result of the computations in subparagraph (I)(A)13.A.) will then be further adjusted by a hospital-specific collection-to-charge ratio determined as follows:

(I) Divide "Net Revenue" by "Gross Total Charges"; and

(II) "Adjusted Gross Total Charges" will be multiplied by the result of part (I)(A)13.C.(I) to yield "Adjusted Net Revenue";

D. Obtain "Gross Inpatient Charges" from Worksheet G-2, Line 25, Column 1 from CMS 2552-96, or Worksheet G-2, Line 28, Column 1 from CMS 2552-10, of the most recent cost report that is available for a hospital;

E. Obtain "Gross Outpatient Charges" from Worksheet G-2, Line 25, Column 2 from CMS 2552-96, or Worksheet G-2, Line 28, Column 2 from CMS 2552-10, of the most recent cost report that is available for a hospital;

F. Total "Adjusted Net Revenue" will be allocated between "Net Inpatient Revenue" and "Net Outpatient Revenue" as follows:

(I) "Gross Inpatient Charges" will be divided by "Gross Total Charges";

(II) "Adjusted Net Revenue" will then be multiplied by the result to yield "Net Inpatient Revenue"; and

(III) The remainder will be allocated to "Net Outpatient Revenue"; and

G. The trend indices, if greater than 0%, will be determined based on the Health Care Costs index as published in *Healthcare Cost Review* by Institute of Health Systems (IHS), or equivalent publication, regardless of any changes in the name of the publication or publisher, for each State Fiscal Year (SFY). The trend indices listed below will be applied to the apportioned inpatient adjusted net revenue and outpatient adjusted net revenue in order to inflate or trend forward the adjusted net revenues from the FRA fiscal year cost report to the current state fiscal year to determine the inpatient and outpatient adjusted net revenues subject to the FRA assessment.

(I) SFY 2020 =

(a) Inpatient Adjusted Net Revenues – 0%

(b) Outpatient Adjusted Net Revenues – 2.9%

(II) SFY 2021 =

(a) Inpatient Adjusted Net Revenues – 3.2%

(b) Outpatient Adjusted Net Revenues – 0%

(III) SFY 2022 =

(a) Inpatient Adjusted Net Revenues – 4.2%

(b) Outpatient Adjusted Net Revenues – 0%

(IV) SFY 2023 =

(a) Inpatient Adjusted Net Revenues – 3.8%

(b) Outpatient Adjusted Net Revenues – 0%

**Title 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 70 – MO HealthNet Division  
Chapter 15 – Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. 2022, the division amends a rule as follows:

13 CSR 70-15.160 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2022 (47 MoReg 1002-1005). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Social Services, MO HealthNet Division (MHD) received one (1) comment on the proposed amendment.

COMMENT #1: Jamie Purnell, Clinical Program and Policy Unit Manager, MHD, commented that the *Outpatient Simplified Fee Schedule* (OSFS), which is incorporated by reference in paragraph (5)(B)2., needs to be updated to include the new COVID codes CMS recently published.

RESPONSE AND EXPLANATION OF CHANGE: The MHD updated the OSFS that is incorporated by reference in paragraph (5)(B)2. and the *Medical Fee Schedule* that is incorporated by reference in paragraph (5)(D)4.B. to include the new COVID codes CMS recently published.

**13 CSR 70-15.160 Outpatient Hospital Services Reimbursement Methodology**

(5) *Outpatient Simplified Fee Schedule* (OSFS) Payment Methodology.

(B) Effective for dates of service beginning July 20, 2021, outpatient hospital services shall be reimbursed on a predetermined fee-for-service basis using an OSFS based on the APC groups and fees under the Medicare Hospital OPPS. When service coverage and payment policy differences exist between Medicare OPPS and Medicaid, MHD policies and fee schedules are used. The fee schedule will be updated as follows:

1. MHD will review and adjust the OSFS annually on July 1 based on the payment method described in subsection (5) (D); and

2. The OSFS is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://dss.mo.gov/mhd/providers/fee-for-service-providers.htm>, August 10, 2022. This rule does not incorporate any subsequent amendments or additions.

(D) Fee schedule methodology. Fees for outpatient hospital services covered by the MO HealthNet program are determined by the HCPCS procedure code at the line level and the following hierarchy:

1. The APC relative weight or payment rate assigned to the procedure in the Medicare OPPS *Addendum B* is used to calculate the fee for the service, with the exception of the hospital observation per hour fee which is calculated based on the method described in subparagraph (5)(D)1.B. Fees derived from APC weights and payment rates are established using the Medicare OPPS *Addendum B* effective as of January

1 of each year as published by the CMS for Medicare OPPS. The Medicare OPPS *Addendum B* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/medicaremedicare-fee-service-paymenthospitaloutpatientppsaddendum-and-addendum-b-updates/january-2022-0>, January 18, 2022. This rule does not incorporate any subsequent amendments or additions.

A. The fee is calculated using the APC relative weight times the Missouri conversion factor. The resulting amount is then multiplied by the payment level adjustment of ninety percent (90%) to derive the OSFS fee.

B. The hourly fee for observation is calculated based on the relative weight for the Medicare APC (using the Medicare OPPS *Addendum A* effective as of January 1 of each year as published by the CMS for Medicare OPPS), which corresponds with comprehensive observation services multiplied by the Missouri conversion factor divided by forty (40), the maximum payable hours by Medicare. The resulting amount is then multiplied by the payment level adjustment of ninety percent (90%) to derive the OSFS fee. The Medicare OPPS *Addendum A* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/medicaremedicare-fee-service-paymenthospitaloutpatientppsaddendum-and-addendum-b-updates/january-2022>, January 18, 2022. This rule does not incorporate any subsequent amendments or additions.

C. For those APCs with no assigned relative weight, ninety percent (90%) of the Medicare APC payment rate is used as the fee;

2. If there is no APC relative weight or APC payment rate established for a particular service in the Medicare OPPS *Addendum B*, then the MHD approved fee will be ninety percent (90%) of the rate listed on other Medicare fee schedules, effective as of January 1 of each year: Clinical Laboratory Fee Schedule; Physician Fee Schedule; and Durable Medical Equipment Prosthetics/Orthotics and Supplies Fee Schedule, applicable to the outpatient hospital service.

A. The Medicare *Clinical Laboratory Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/medicaremedicare-fee-service-paymentclinicallabfeeschedclinical-laboratory-fee-schedule-files/22clabq1>, December 29, 2021. This rule does not incorporate any subsequent amendments or additions.

B. The Medicare *Physician Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/medicaremedicare-fee-service-paymentphysicianfeeschedpfs-carrier-specific-files/all-states-1>, December 18, 2021. This rule does not incorporate any subsequent amendments or additions.

C. The Medicare *Durable Medical Equipment Prosthetics/Orthotics and Supplies Fee Schedule* is incorporated by reference and made a part of this rule as published by the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/DMEPOSFeeSched/DMEPOS-Fee-Schedule>, December 15, 2021. This rule does not incorporate any subsequent amendments or additions;

3. Fees for dental procedure codes in the outpatient hospital setting are calculated based on thirty-eight and one half percent (38.5%) of the fiftieth percentile fee for Missouri reflected in the 2022 *National Dental Advisory Service* (NDAS).

The 2022 NDAS is incorporated by reference and made a part of this rule as published by Wasserman Medical & Dental at its website at <https://wasserman-medical.com/product-category/dental/ndas/>, and available at the MO HealthNet Division, 615 Howerton Court, Jefferson, City MO 65109, January 31, 2022. This rule does not incorporate any subsequent amendments or additions;

4. If there is no APC relative weight, APC payment rate, other Medicare fee schedule rate, or NDAS rate established for a covered outpatient hospital service, then a MO HealthNet fee will be determined using the MHD *Dental, Medical, Other Medical or Independent Lab—Technical Component* fee schedules.

A. The MHD *Dental Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, June 7, 2022. This rule does not incorporate any subsequent amendments or additions.

B. The MHD *Medical Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, August 8, 2022. This rule does not incorporate any subsequent amendments or additions.

C. The MHD *Other Medical Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, June 7, 2022. This rule does not incorporate any subsequent amendments or additions.

D. The MHD *Independent Lab—Technical Component Fee Schedule* is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/pages/cptagree.htm>, June 7, 2022. This rule does not incorporate any subsequent amendments or additions;

5. In-state federally-deemed critical access hospitals will receive an additional forty percent (40%) of the rate as determined in paragraph (5)(B)2. for each billed procedure code; and

6. Nominal charge providers will receive an additional twenty-five percent (25%) of the rate as determined in paragraph (5)(B)2. for each billed procedure code.

**Title 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 70 – MO HealthNet Division  
Chapter 15 – Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201 and 660.017, RSMo 2016, the division amends a rule as follows:

**13 CSR 70-15.190 Out-of-State Hospital Services  
Reimbursement Plan is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1083-1085). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 70 – MO HealthNet Division  
Chapter 15 – Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. 2022, the division amends a rule as follows:

13 CSR 70-15.230 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2022 (47 MoReg 1006-1009). Changes have been made and are reprinted below. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received one (1) comment on the proposed amendment.

COMMENT #1: From Kim Dugan, Vice President of Medicaid and FRA, and Amy Volkart, Director of Medicaid and FRA with MHA Management Services Corporation. On behalf of the Missouri Hospital Association and the one hundred forty-one (141) hospitals that comprise the membership, the following comments are offered for your consideration on the proposed amendment to 13 CSR 70-15.230 Upper Payment Limit (UPL) Payment Methodology. Subsection (2)(A) states, “The available IP UPL gap is distributed to each hospital based on the hospital’s percent of estimated Medicaid payments for the coming SFY to total estimated payments for the coming SFY for all state government-owned hospitals.” We believe the distribution is based on the available room each hospital has compared to the previous year’s payments rather than on the estimated Medicaid payments for the coming SFY. We recommend that the MO HealthNet Division review its formula and clarify how the distribution is calculated.

RESPONSE AND EXPLANATION OF CHANGE: The MHD has updated the language in subsection (2)(A).

**13 CSR 70-15.230 Upper Payment Limit (UPL) Payment Methodology**

(2) Beginning with SFY 2023, state government-owned hospitals will be paid a semi-monthly payment up to the inpatient (IP) UPL gap.

(A) Prior to each SFY, the division shall calculate the estimated Medicaid payments for the coming SFY for each hospital. The total estimated Medicaid payments for each hospital shall be subtracted from the hospital’s IP UPL calculated in accordance to the methodology set forth below then summed to calculate the IP UPL gap. The IP UPL gap is reduced by the estimated inpatient fee-for-service Graduate Medical Education (GME) payments for the coming SFY for each hospital to calculate the total amount of funding available. The previous SFY’s payments are compared to current SFY’s estimated claims based payments and when the estimated current year payments is less than prior year payments, that hospital is eligible for a UPL payment. The available IP UPL gap is distributed to each eligible hospital based on the percent to total of the available room in the prior year and current year comparison. The available gap under the IP UPL for each eligible hospital will be aggregated to create the supplemental payment amount.

The total calculated supplemental payment amount will be paid to eligible hospitals.

1. The IP UPL will be determined based on the hospital's Medicaid inpatient costs using Medicare cost reporting principles. All Medicare cost report worksheet, column, or line references are based upon the Medicare Cost Report (MCR) CMS 2552-10 and should be adjusted for any CMS-approved successor MCR. The amount that Medicare would pay shall be calculated as follows:

A. Using Medicare cost report data within the previous two (2) years of the IP UPL demonstration dates in accordance with IP UPL guidelines set by CMS, Total Medicare Costs shall be derived from the reported Inpatient Hospital Cost on the following cost report variable locations:

(I) Worksheet D-1, Hospital/IPF/IRF Components, Column 1, Line 49;

(II) Plus Organ Acquisitions Cost from all applicable Worksheets D-4, Column 1, Line 69;

(III) Plus GME Aggregated Approved Amount from Worksheet E-4, Column 1, Line 49;

B. Total Medicare Patient Days shall be derived from Worksheet S-3, Part I, Column 6, Lines 14, 16, and 17 of the same cost report as the Total Medicare Costs;

C. A calculated Medicare Cost *Per Diem* shall be calculated by dividing the Total Medicare Costs by the hospital's Total Medicare Patient Days;

D. The calculated Medicare Cost *Per Diem* shall be multiplied by the total Medicaid Patient Days from a twelve-(12-) month data set from the prior two (2) years of the IP UPL demonstration dates in accordance with the IP UPL guidelines set by CMS to derive the hospital's IP UPL.

(I) The data source for the Medicaid Patient Days and Total Medicaid Payments shall be from the state's Medicaid Management Information System (MMIS) claims data;

E. The calculated IP UPL shall be inflated from the midpoint of the hospital's cost report period to the midpoint of the IP UPL demonstration period using the CMS Prospective Payment System (PPS) hospital market basket index; and

F. If payments in this section would result in payments to any category of hospitals in excess of the IP UPL calculation required by 42 CFR 447.272, payments for each eligible hospital receiving payments under this section will be reduced proportionately to ensure compliance with the IP UPL.

## **Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**

### **Division 60 – Missouri Health Facilities Review Committee**

#### **Chapter 50 – Certificate of Need Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

19 CSR 60-50.300 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1097-1100). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Health Facilities Review Committee received three (3) comments on the proposed

amendment.

COMMENT #1: Richard W. Hill of Lashly & Baer, P.C., suggests revising the amendment in 19 CSR 60-50.300(1): Mr. Hill noted concerns about what the phrase “direct financial interest” means in the proposed definition of “affiliate.” Third-party bankers or private individuals finance many CON projects. These entities may have a “direct financial interest” in the project, but they are not considered “affiliates” of the applicant under any reasonable semblance of that term. To give more clarity to proposed CON applicants, and to remove the confusion with respect to the “direct financial interest” issue, Mr. Hill suggests revising the proposed definition in the following manner: “Affiliate means an organization: (a) that owns five percent (5%) or more of the ownership interests in the operator; (b) in which the operator owns five percent (5%) or more of the ownership interests. Affiliates include, without limitation, a parent organization, joint venture, partner, or general partner.”

RESPONSE AND EXPLANATION OF CHANGE: The committee has amended section (1) to remove the wording “direct financial interest” in the organization.

COMMENT #2: Richard W. Hill of Lashly & Baer, P.C., supports the proposed amendment in 19 CSR 60-50.300(6).

RESPONSE: The committee thanks Mr. Hill for his comment. No change has been made to the amendment as a result of this comment.

COMMENT #3: Richard W. Hill of Lashly & Baer, P.C., supports the proposed amendment in 19 CSR 60-50.300(15) but suggests adding verbiage in the definition to include the request to relicense is not a new institutional health service.

RESPONSE: The committee thanks Mr. Hill for his comment, but the committee believes the definition is sufficient as written and, therefore, no change has been made to the amendment as a direct result of this comment.

## **19 CSR 60-50.300 Definitions for the Certificate of Need Process**

(1) Affiliate means an organization:

(A) That owns five percent (5%) or more of the ownership interests in the operator; or

(B) In which the operator owns five percent (5%) or more of the ownership interests. Affiliates include, without limitation, a parent organization, joint venture, partner, or general partner.

## **Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**

### **Division 60 – Missouri Health Facilities Review Committee**

#### **Chapter 50 – Certificate of Need Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

19 CSR 60-50.400 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1100-1106). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code*

*of State Regulations.*

SUMMARY OF COMMENTS: The Missouri Health Facilities Review Committee received one (1) comment on the proposed amendment.

COMMENT #1: Richard W. Hill of Lashly & Baer, P.C., suggests the proposed regulation 19 CSR 60-50.400(3), with respect to LTC bed expansions, is in conflict with state law and such projects do not require a CON application, only a Letter of Intent submission.

RESPONSE AND EXPLANATION OF CHANGE: The committee concurs and has deleted the amendment from this section. The committee will determine the appropriate process for LTC bed expansions that is consistent with statute and amend the section at a later time.

#### **19 CSR 60-50.400 Letter of Intent Process**

(3) A LTC bed expansion or replacement sought pursuant to sections 197.318.4 through 197.318.6, RSMo, requires a CON application if the capital expenditure for such bed expansion or replacement exceeds six hundred thousand dollars (\$600,000) but allows for shortened information requirements and review time frames.

### **Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**

#### **Division 60 – Missouri Health Facilities Review Committee**

#### **Chapter 50 – Certificate of Need Program**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

19 CSR 60-50.410 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1106-1110). Changes have been made to the forms included herein. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Health Facilities Review Committee received one (1) internal comment on the proposal amendment.

COMMENT #1: Alison Dorge, CON Program Coordinator for the department, commented that the effective date on the bottom of Letter of Intent form (MO 580-1860) was incorrect and should reflect (11/22) since the form is being updated with changes as submitted in the proposed rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Health Facilities Review Committee concurs and has changed the effective date on form MO 580-1860.

#### **19 CSR 60-50.410 Letter of Intent Package**

Letter of Intent (MO 580-1860)



## Certificate of Need Program

**LETTER OF INTENT**

<b>1. Project Information</b> <i>(Attach additional pages as necessary to identify multiple project sites.)</i>											
Title of Proposed Project (Name of existing or proposed facility)		County									
Project Address (Street/City/State/Zip Code or Latitude and Longitude with City/State/Zip Code if no assigned address)											
<b>2. Applicant Identification</b> <i>(Attach additional pages as necessary to list all owners and operators.)</i>											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; padding: 5px;">List All Owner(s): <i>(List corporate entity.)</i></th> <th style="width: 30%; padding: 5px;">Address (Street/City/State/Zip Code)</th> <th style="width: 20%; padding: 5px;">Telephone Number</th> </tr> <tr><td style="height: 30px;"></td><td></td><td></td></tr> <tr><td style="height: 30px;"></td><td></td><td></td></tr> </table>			List All Owner(s): <i>(List corporate entity.)</i>	Address (Street/City/State/Zip Code)	Telephone Number						
List All Owner(s): <i>(List corporate entity.)</i>	Address (Street/City/State/Zip Code)	Telephone Number									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; padding: 5px;">List All Operator(s): <i>(List entity to be licensed or certified.)</i></th> <th style="width: 30%; padding: 5px;">Address (Street/City/State/Zip Code)</th> <th style="width: 20%; padding: 5px;">Telephone Number</th> </tr> <tr><td style="height: 30px;"></td><td></td><td></td></tr> <tr><td style="height: 30px;"></td><td></td><td></td></tr> </table>			List All Operator(s): <i>(List entity to be licensed or certified.)</i>	Address (Street/City/State/Zip Code)	Telephone Number						
List All Operator(s): <i>(List entity to be licensed or certified.)</i>	Address (Street/City/State/Zip Code)	Telephone Number									
<b>3. Type of Review</b>		<b>4. Project Description</b> <i>(Information should be brief but sufficient to understand scope of project.)</i>									
<p><b>Full Review:</b></p> <p>New Hospital</p> <p>New/Add LTC Beds*</p> <p>New/Add LTCH Beds/Eqpt.</p> <p>New/ Additional Equipment</p> <p><b>Expedited Review:</b></p> <p>6-mile RCF/ALF Replacement</p> <p>15-mile LTC Replacement</p> <p>30-mile LTC Replacement</p> <p>LTC Bed Expansion</p> <p>LTC Renov./Modernization</p> <p>Equipment Replacement previously approved</p> <p>Equipment Replacement not previously approved</p> <p><b>Non-Applicability Review:</b></p> <p>(See 7. Applicability next page)</p>		<p><i>Include the number and type of long-term care beds to be added or replaced, square footage of new construction and/or renovation, services affected, and major medical equipment to be acquired or replaced. If replacing equipment previously approved, provide the CON project number of the existing equipment. If requesting a non-applicability letter, also complete the next page of this form.</i></p> <p><small>*If new or additional long-term care beds, provide the average occupancy of all licensed and available beds in the appropriate category within the fifteen-mile radius, check one of the following, and attach applicable documentation or explanation.</small></p> <p><input type="checkbox"/> Bed need standard is met. <i>(Attach documentation.)</i> -OR- <input type="checkbox"/> Special exceptions apply. <i>(Attach explanation.)</i></p>									
<p><b>Key:</b> LTC = Long-Term Care; LTCH = Long-Term Care Hospital; RCF/ALF = Residential Care Facility/Assisted Living Facility</p>											
<b>5. Estimated Project Cost:</b> \$ _____											
<b>6. Authorized Contact Person Identification</b> <i>(List only one person who would be the main contact person for the project)</i>											
Name of Contact Person		Title									
Contact Person Address (Company/ Street/City/State/Zip Code)											
Telephone Number	Fax Number	E-mail Address									
Signature of Contact Person		Date of Signature									



Certificate of Need Program  
**LETTER OF INTENT**

**7. Applicability** (Check the box below to indicate the rationale for the exemption or waiver being sought.)

**A Proposed Expenditure form (MO 580-2375) is required even if the project cost is "\$0".**

- ☐ If proposed expenditures are **less than the minimums** in §197.305(6), attach supporting documentation to illustrate how each of those amounts were determined, such as schematic drawings, equipment quotes, and contractor estimates.
- ☐ §197.305(9)(e) for additional long term care beds in the same category (certified as RCF/ALF, ICF or SNF) in a RCF/ALF, nursing home, or acute care hospital costing less than \$600,000, and are 10 beds or 10% of that facility's existing capacity, whichever is less. The facility must have had no patient care class I deficiencies within the last 18 months and has maintained at least an 85% average occupancy rate for the previous 6 quarters.

If the proposal meets one of the **exemptions** or **exceptions** below, then check the appropriate box, and attach detailed documentation substantiating compliance with the statutory provisions as set out in Rule 19 CSR 60-50.410:

- ☐ §197.312 for an RCF/ALF previously owned and operated by the city of St. Louis; or
- ☐ If the proposal meets the definition of **"nonsubstantive projects"** in §197.305(10) and 19 CSR 60-50.300(13) for a **waiver** from review, complete both pages of this form as the first step in the process, and provide the rationale as to why the proposal should be deemed to be "nonsubstantive" in the space below.
- ☐ If the proposal meets the definition of **"purchase"** or **"replacement"** in §197.318(4) and 19 CSR 60-50.450(4) for an **exception** from review, complete both pages of this form, and provide the rationale in the space below, including attached schematics and other documentation as to why the proposal should be deemed to be "nonapplicable".

*Explain the rationale for the non-applicability letter request.*

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES****Division 60 – Missouri Health Facilities Review Committee****Chapter 50 – Certificate of Need Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.420 Review Process is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1110). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES****Division 60 – Missouri Health Facilities Review Committee****Chapter 50 – Certificate of Need Program****ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.430 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1110-1122). Changes have been made to the forms included herein. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Health Facilities Review Committee received one (1) internal comment and two (2) public comments on the proposed amendment.

COMMENT #1: Alison Dorge, CON Program Coordinator for the department, commented that the effective date on the bottom of forms MO 580-2501 New Hospital Application, MO 580-2502 New or Additional Long Term Care Bed Application, MO 580-2503 New or Additional Equipment Application, and MO 580-2506 Replacement Equipment Application are incorrect and should reflect (11/22) since the forms are being updated with changes as submitted in the proposed rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Health Facilities Review Committee concurs and has changed the effective dates on the applicable forms.

COMMENT #2: Richard W. Hill of Lashly & Baer, P.C., suggests the proposed regulation 19 CSR 60-50.430(4)(D)2.D., will cause conflict between the CON applicant and CON staff when estimating to the nearest 5% versus the current 10% when deciding what portion of a zip code is inside an applicant's 15-mile radius.

RESPONSE: The committee thanks Mr. Hill for his comment, but the committee believes estimating to the nearest 5% gives

a more accurate estimate of the service area, and therefore no change has been made to the amendment as a direct result of this comment.

COMMENT #3: Richard W. Hill of Lashly & Baer, P.C., opposes the proposed regulation 19 CSR 60-50.430(7) stating that addressing letters to all facilities in an applicant's 15-mile radius or service area regarding the proposal is an undue burden on CON applicants and existing facilities can access the CON website for proposed CON projects.

RESPONSE: The committee thanks Mr. Hill for his comment, but the committee believes applicants should notify facilities in the 15-mile radius or service area of their proposal, and therefore no change has been made to the amendment as a direct result of this comment.

**19 CSR 60-50.430 Application Package**

MO 580-2501 New Hospital Application

MO 580-2502 New or Additional Long Term Care Bed Application

MO 580-2503 New or Additional Equipment Application

MO 580-2506 Replacement Equipment Application



Certificate of Need Program  
**NEW HOSPITAL APPLICATION**  
Applicant's Completeness Checklist and Table of Contents

Project Name: \_\_\_\_\_ Project No: \_\_\_\_\_

Project Description: \_\_\_\_\_

Done Page N/A Description

**Divider I. Application Summary:**

- \_\_\_\_\_ 1. Applicant Identification and Certification (Form MO 580-1861)
- \_\_\_\_\_ 2. Representative Registration (Form MO 580-1869)
- \_\_\_\_\_ 3. Proposed Project budget (Form MO 580-1863) and detail sheet with documentation of costs.
- \_\_\_\_\_ 4. Provide documentation from MO Secretary of State that the proposed owner(s) and operator(s) are registered to do business in MO.

**Divider II. Proposal Description:**

- \_\_\_\_\_ 1. Provide a complete detailed project description.
- \_\_\_\_\_ 2. Provide the proposed number of licensed beds by medical specialty.
- \_\_\_\_\_ 3. Provide a timeline of events for the project, from CON issuance through project competition.
- \_\_\_\_\_ 4. Provide a legible city or county map showing the exact location of the proposed facility.
- \_\_\_\_\_ 5. Provide a site plan for the proposed project.
- \_\_\_\_\_ 6. Provide preliminary schematic drawings for the proposed project.
- \_\_\_\_\_ 7. Provide evidence that architectural plans have been submitted to the Department of Health and Senior Services.
- \_\_\_\_\_ 8. Provide the proposed square footage.
- \_\_\_\_\_ 9. Document ownership of the project site, or provide an option to purchase.
- \_\_\_\_\_ 10. Define the community to be served (service area: 2025 population, area, rationale).
- \_\_\_\_\_ 11. Provide utilization projections through the first three (3) **FULL** years of operation of the new beds.
- \_\_\_\_\_ 12. Identify specific community problems or unmet needs the proposal would address.
- \_\_\_\_\_ 13. Provide the methods and assumptions used to project utilization.
- \_\_\_\_\_ 14. Document that consumer needs and preferences have been included in planning this project and describe how consumers had an opportunity to provide input.
- \_\_\_\_\_ 15. Provide copies of any petitions, letters of support or opposition received.
- \_\_\_\_\_ 16. Document that providers of similar health services in the proposed service area have been notified of the application by a public notice in the local newspaper.
- \_\_\_\_\_ 17. Document that providers of all affected facilities in the proposed service area were addressed letters regarding the application.

**Divider III. Service Specific Criteria and Standards:**

- \_\_\_\_\_ 1. Document the methodology utilized to determine the need for the proposed hospital.
- \_\_\_\_\_ 2. Provide the most recent three (3) **FULL** years of evidence that the average occupancy of the same type(s) of beds at each other hospital in the proposed service area exceeds eighty percent (80%).
- \_\_\_\_\_ 3. Discuss the impact the proposed hospital would have on utilization of other hospitals in the geographic service area.
- \_\_\_\_\_ 4. Document the unmet need in the geographic service area for each type of bed being proposed according to the population-based need formula

**Divider IV. Financial Feasibility Review Criteria and Standards:**

- \_\_\_\_\_ 1. Document that the proposed costs per square foot are reasonable when compared to the latest "RS Means Construction Cost data"
- \_\_\_\_\_ 2. Document that sufficient financing is available by providing a letter from a financial institution or an auditor's statement indicating that sufficient funds are available.
- \_\_\_\_\_ 3. Provide Service-Specific Revenues and Expenses (Form MO 580-1865) for the latest three (3) years, and projected through three (3) **FULL** years beyond project completion.
- \_\_\_\_\_ 4. Document how patient charges are derived.
- \_\_\_\_\_ 5. Document responsiveness to the needs of the medically indigent.



Certificate of Need Program

**NEW OR ADDITIONAL LONG TERM CARE BED APPLICATION** *(Use for RCF/ALF, ICF/SNF and LTCH beds)*

Applicant's Completeness Checklist and Table of Contents

Project Name: \_\_\_\_\_ Project No: \_\_\_\_\_

Project Description: \_\_\_\_\_

Done	Page	N/A	Description
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**Divider I. Application Summary:**

1. Applicant Identification and Certification (Form MO 580-1861)
2. Representative Registration (Form MO 580-1869)
3. Proposed Project budget (Form MO 580-1863) and detail sheet with documentation of costs.
4. Provide documentation from MO Secretary of State that the proposed owner(s) and operator(s) are registered to do business in MO.
5. State if the license of the proposed operator or any affiliate of the proposed operator has been revoked within the previous five (5) years.
6. If the license of the proposed operator or any affiliate of the proposed operator has been revoked within the previous 5 years, provide the name and address of the facility whose license was revoked.
7. State if the Medicare and/or Medicaid certification of any facility owned or operated by the proposed operator or any affiliate of the proposed operator has been revoked within the previous 5 years.
8. If the Medicare and/or Medicaid certification of any facility owned or operated by the proposed operator or any affiliate of the proposed operator has been revoked within the previous 5 years, provide the name and address of the facility whose Medicare and/or Medicaid certification was revoked.

**Divider II. Proposal Description:**

1. Provide a complete detailed project description.
2. Provide a timeline of events for the project, from CON issuance through project competition.
3. Provide a legible city or county map showing the exact location of the proposed facility.
4. Provide a site plan for the proposed project.
5. Provide preliminary schematic drawings for the proposed project.
6. Provide evidence that architectural plans have been submitted to the Department of Health and Senior Services.
7. Provide the proposed square footage.
8. Document ownership of the project site, or provide an option to purchase.
9. Define the community to be served.
10. Provide 2025 population projections for the 15-mile radius service area.
11. Identify specific community problems or unmet needs the proposal would address.
12. Provide historical utilization for each of the past three (3) years and utilization projections through the first three (3) **FULL** years of operation of the new LTC beds.
13. Provide the methods and assumptions used to project utilization.
14. Document that consumer needs and preferences have been included in planning this project and describe how consumers had an opportunity to provide input.
15. Provide copies of any petitions, letters of support or opposition received.
16. Document that providers of similar health services in the proposed 15-mile radius have been notified of the application by a public notice in the local newspaper.
17. Document that providers of all affected facilities in the proposed 15-mile radius were addressed letters regarding the application.

**Divider III. Service Specific Criteria and Standards:**

1. For ICF/SNF beds, address the population-based bed need methodology of fifty-three (53) beds per one thousand (1,000) population age sixty-five (65) and older.
2. For RCF/ALF beds, address the population-based bed need methodology of twenty-five (25) beds per one thousand (1,000) population age sixty-five (65) and older.
3. For LTCH beds, address the population-based bed need methodology of one-tenth (0.1) bed per one thousand (1,000) population.
4. Document any alternate need methodology used to determine the need for additional beds such as Alzheimer's, mental health or other specialty beds.
5. For any proposed facility which is designed and operated exclusively for persons with acquired human immunodeficiency syndrome (AIDS) provide information to justify the need for the type of beds being proposed.
6. If the project is to add beds to an existing facility, has the facility received a Notice of Noncompliance within the last 18 months as a result of a survey, inspection or complaint investigation? If the answer is yes, explain.

**Divider IV. Financial Feasibility Review Criteria and Standards:**

1. Document that the proposed costs per square foot are reasonable when compared to the latest "RS Means Construction Cost data"
2. Document that sufficient financing is available by providing a letter from a financial institution or an auditor's statement indicating that sufficient funds are available.
3. Provide Service-Specific Revenues and Expenses (Form MO 580-1865) for the latest three (3) years, and projected through three (3) **FULL** years beyond project completion.
4. Document how patient charges are derived.
5. Document responsiveness to the needs of the medically indigent.
6. For a proposed new skilled nursing or intermediate care facility, what percentage of your admissions would be Medicaid eligible on the first day of admission or become Medicaid eligible within 90 days of admission?
7. For an existing skilled nursing or intermediate care facility, what percentage of your admissions are Medicaid eligible on the first day of admission or becomes Medicaid eligible within 90 days of admission.



Certificate of Need Program  
**NEW OR ADDITIONAL EQUIPMENT APPLICATION**  
Applicant's Completeness Checklist and Table of Contents

Project Name: \_\_\_\_\_ Project No: \_\_\_\_\_

Project Description: \_\_\_\_\_

Done Page N/A Description

**Divider I. Application Summary:**

1. Applicant Identification and Certification (Form MO 580-1861)
2. Representative Registration (Form MO 580-1869)
3. Proposed Project Budget (Form MO 580-1863) and detail sheet with documentation of costs.

**Divider II. Proposal Description:**

1. Provide a complete detailed project description and include equipment bid quotes.
2. Provide a timeline of events for the project, from CON issuance through project competition.
3. Provide a legible city or county map showing the exact location of the project.
4. Define the community to be served and provide the geographic service area for the equipment.
5. Provide other statistics to document the size and validity of any user-defined geographic service area.
6. Identify specific community problems or unmet needs the proposal would address.
7. Provide the historical utilization for each of the past three years and utilization projections through the first three (3) **FULL** years of operation of the new equipment.
8. Provide the methods and assumptions used to project utilization.
9. Document that consumer needs and preferences have been included in planning this project and describe how consumers had an opportunity to provide input.
10. Provide copies of any petitions, letters of support or opposition received.
11. Document that providers of similar health services in the proposed service area have been notified of the application by a public notice in the local newspaper.
12. Document that providers of all affected facilities in the proposed service area were addressed letters regarding the application.

**Divider III. Service Specific Criteria and Standards:**

1. For new units, address the minimum annual utilization standard for the proposed geographic service area.
2. For any new unit where specific utilization standards are not listed, provide documentation to justify the new unit.
3. For additional units, document compliance with the optimal utilization standard, and if not achieved, provide documentation to justify the additional unit.
4. For evolving technology address the following:
  - Medical effects as described and documented in published scientific literature;
  - The degree to which the objectives of the technology have been met in practice;
  - Any side effects, contraindications or environmental exposures;
  - The relationships, if any, to existing preventive, diagnostic, therapeutic or management technologies and the effects on the existing technologies;
  - Food and Drug Administration approval;
  - The need methodology used by this proposal in order to assess efficacy and cost impact of the proposal;
  - The degree of partnership, if any, with other institutions for joint use and financing.

**Divider IV. Financial Feasibility Review Criteria and Standards:**

1. Document that sufficient financing is available by providing a letter from a financial institution or an auditor's statement indicating that sufficient funds are available.
2. Provide Service-Specific Revenues and Expenses (Form MO 580-1865) projected through three (3) **FULL** years beyond project completion.
3. Document how patient charges are derived.
4. Document responsiveness to the needs of the medically indigent.



## Certificate of Need Program

**EQUIPMENT REPLACEMENT APPLICATION**

## Applicant's Completeness Checklist and Table of Contents

Project Name: \_\_\_\_\_ Project No: \_\_\_\_\_

Project Description: \_\_\_\_\_

Done	Page	N/A	Description
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**Divider I. Application Summary:**

- |       |    |  |
|-------|----|--|
| _____ | 1. | Applicant Identification and Certification (Form MO 580-1861)                            |
| _____ | 2. | Representative Registration (Form MO 580-1869)   |
| _____ | 3. | Proposed Project Budget (Form MO 580-1863) and detail sheet with documentation of costs. |

**Divider II. Proposal Description:**

- |       |    |   |
|-------|----|---|
| _____ | 1. | Provide a complete detailed project description, CON project number of the existing equipment (if prev. CON approved), and include the type/brand of both the existing equipment and the replacement equipment. |
| _____ | 2. | Provide a listing with itemized costs of the medical equipment to be acquired and bid quotes.   |
| _____ | 3. | Provide a timeline of events for the project, from CON issuance through project completion.   |

**Divider III. Service Specific Criteria and Standards:**

- |       |     |  |
|-------|-----|--|
| _____ | 1.  | Describe the financial rationale for the proposed replacement equipment. |
| _____ | 2.  | Document if the existing equipment has exceeded its useful life.         |
| _____ | 3.  | Describe the effect the replacement unit would have on quality of care.  |
| _____ | 4.  | Document if the existing equipment is in constant need of repair.        |
| _____ | 5.  | Document if the lease on the current unit has expired.                   |
| _____ | 6.  | Describe the technological advances provided by the new unit.            |
| _____ | 7.  | Describe how patient satisfaction would be improved.                     |
| _____ | 8.  | Describe how patient outcomes would be improved.                         |
| _____ | 9.  | Describe what impact the new unit would have on utilization.             |
| _____ | 10. | Describe any new capabilities that the new unit would provide.           |
| _____ | 11. | By what percent will this replacement increase patient charges.          |

*(If replacement equipment was not previously approved, also complete Divider IV below.)***Divider IV. Financial Feasibility Review Criteria and Standards:**

- |       |    |  |
|-------|----|--|
| _____ | 1. | Document that sufficient financing is available by providing a letter from a financial institution or an auditor's statement indicating that sufficient funds are available. |
| _____ | 2. | Provide Service-Specific Revenues and Expenses (Form MO 580-1865) projected through three (3) <b>FULL</b> years beyond project completion.                                   |
| _____ | 3. | Document how patient charges are derived.  |
| _____ | 4. | Document responsiveness to the needs of the medically indigent.  |

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60 – Missouri Health Facilities Review Committee**  
**Chapter 50 – Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.440** Criteria and Standards for Equipment and New Hospitals **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1122). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Health Facilities Review Committee received one (1) comment on the proposed amendment.

COMMENT #1: Richard W. Hill of Lashly & Baer, P.C., opposes the removal of 19 CSR 60-50.440(1)(A) concerning the population method of determining the need for equipment projects. Mr. Hill noted that the proposed amendment removes the population method of determining need for equipment projects, and instead relies solely on the utilization method of determining need for equipment projects. Mr. Hill notes that in virtually all instances, the population method is the only method with which applicants can attempt to comply. The CON staff maintains a repository of information related to the quantity and type of equipment that is operational in Missouri. This repository of information can be utilized with the population data provided by the state to actually perform the calculation required pursuant to the population method. However, Mr. Hill states that the CON staff does not maintain a repository of information with respect to how many procedures are performed with respect to the equipment in Missouri. Moreover, it is generally impossible for applicants to obtain that data, as existing operators are not required to report it. As such, it is incredibly common for applicants to be without any way to calculate the annual utilization of potential competitors and, therefore, they are generally without any way to comply with the utilization method of determining need for additional equipment. Mr. Hill states that if the committee would like applicants to provide annual utilization data for its potential competitors, then the committee should require the reporting of that data, similar to what is required for long-term care facilities. Otherwise, applicants have no hope of complying with the utilization method. As currently written, the proposed amendment will result in only one method to determine need for equipment projects, and applicants will have no viable means of doing so. Mr. Hill states that the proposed amendment risks being void on its face, due to its unreasonable burden requiring applicants to obtain data where none is available.

RESPONSE: The committee thanks Mr. Hill for his comment. However, the committee believes the utilization method only is sufficient when determining the need for new services, and therefore no change has been made to the amendment as a direct result of this comment.

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60 – Missouri Health Facilities Review Committee**  
**Chapter 50 – Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.450** Criteria and Standards for Long-Term Care **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1122-1125). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60 – Missouri Health Facilities Review Committee**  
**Chapter 50 – Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.470** Criteria and Standards for Financial Feasibility **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1125-1128). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60 – Missouri Health Facilities Review Committee**  
**Chapter 50 – Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.500** Additional Information **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1128). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30)

days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60 – Missouri Health Facilities Review  
Committee  
Chapter 50 – Certificate of Need Program  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.700 Post-Decision Activity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1128-1137). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60 – Missouri Health Facilities Review  
Committee  
Chapter 50 – Certificate of Need Program  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2016, the Missouri Health Facilities Review Committee amends a rule as follows:

**19 CSR 60-50.800 Meeting Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2022 (47 MoReg 1137-1139). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20 – DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2010 – Missouri State Board of  
Accountancy  
Chapter 2 – General Rules  
ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy under section 326.262, RSMo 2016, the board amends a rule as follows:

**20 CSR 2010-2.065 Requirements for Licensure through  
Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the

proposed amendment was published in the *Missouri Register* on August 15, 2022 (47 MoReg 1233). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20 – DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2267 – Office of Tattooing, Body Piercing,  
and Branding  
Chapter 2 – Licensing Requirements  
ORDER OF RULEMAKING**

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo 2016, the division rescinds a rule as follows:

**20 CSR 2267-2.034 Issuance of Temporary Courtesy License to  
Nonresident Military Spouse is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 15, 2022 (47 MoReg 1233-1234). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [adrules.dissolutions@sos.mo.gov](mailto:adrules.dissolutions@sos.mo.gov).

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND  
CLAIMANTS AGAINST O'MALLEY BEVERAGE, INC.**

You are hereby notified that O'MALLEY BEVERAGE, INC., a Missouri Corporation, the principal office which is located at c/o Ken Siemens, 3007 Frederick Avenue, St. Joseph, Missouri 64506, filed Articles of Dissolution by Voluntary Action with the Secretary of State of Missouri on October 5, 2022.

Any claims against O'MALLEY BEVERAGE, INC. may be sent to c/o Kenneth Siemens, 3007 Frederick Avenue, St. Joseph, Missouri 64506. Each claim should include the following: name, address, and telephone number of claimant; amount of claim; basis of the claim; and documentation supporting the claim.

All claims against O'MALLEY BEVERAGE, INC. will be barred unless a proceeding to enforce a claim is commenced within two years after the date this notice is published.

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY COMPANY**

**TO ALL CREDITORS OF AND CLAIMANTS**

**AGAINST H & L REAL ESTATE INVESTMENTS, LLC**

On October 11, 2022, H & L Real Estate Investments, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Secretary of State of Missouri. The Company requests that any and all claims against the Company be presented by letter to the Company in care of Leisa A. Gwinn, 10713 Booth Avenue, St. Louis, Missouri 63114. All claims must include the name and address of claimant, the amount claimed, the basis for and description of the claim including the date on which the claim arose, and include copies of any supporting documentation. Any and all claims against the Company will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
P. LUCAS HOMES LLC**

On October 10, 2022, P. Lucas Homes LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Said company requests that all persons and organizations who have claims against it present them by letter immediately to the company in care of: Scott D. Buehler, Attorney at Law, 50 Hill Pointe Ct, Ste 200, St. Charles, MO 63303. Claims must include name and address of claimant; amount of claim; basis of claim; and documentation of claim. Pursuant to § 347.141 RSMo, any claim against P. Lucas Homes LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP AND DISSOLUTION****TO ALL CREDITORS OF AND CLAIMANTS AGAINST****MIDWEST PHYSICIANS COMPREHENSIVE HEALTH CARE, INC. (MWpchc)**

On October 7, 2022, Midwest Physicians Comprehensive Health Care, Inc. (MWpchc), a Missouri corporation (the "Company"), filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective on that date.

You are hereby notified that if you believe you have a claim against the Company, you must submit a written summary of your claim to care of **Seigfreid Bingham, P.C. c/o Lori A. Beam, 2323 Grand Boulevard, Suite 1000, Kansas City, MO 64108.**

The summary of your claim must include the following information:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The approximate date of the claim;
4. A brief description of the nature of the debt or the basis for the claim; and
5. Any documentation of or related to the claim.

All claims against the Company will be barred unless they are received within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP****TO ALL CREDITORS OF AND CLAIMANTS AGAINST****ANNIE'S BREADS, LLC**

On October 13, 2022, Annie's Breads, LLC, filed its Notice of Winding Up for Annie's Breads, LLC with the Missouri Secretary of State. Annie's Breads, LLC requests that all persons and organizations who have claims against it present them immediately by letter to: Attorney Mallory V. Mayse, Registered Agent, Suite 411 – Guitar Building, 28 N. Eighth Street, Columbia, MO 65201.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against Annie's Breads, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
L & M Liberty Properties, Inc.**

L & M Liberty Properties, Inc., a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on August 18, 2022. The dissolution was effective on that date.

Any and all claims against L & M Liberty Properties, Inc., may be sent to J. Brian Hill, Esq., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; documentation supporting the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against L & M Liberty Properties, Inc. will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
WOODBROOKE HOMES, LLC**

WOODBROOKE HOMES, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on September 21, 2022.

Any and all claims against WOODBROOKE HOMES, LLC, may be sent to Larry G. Schulz, Esq., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; documentation supporting the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against WOODBROOKE HOMES, LLC will be barred unless a proceeding to enforce such claim is commenced within two (2) years after the date this notice is published.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND CLAIMANTS  
AGAINST MCVEY TOOLS & EQUIPMENT SALES, INC.**

On October 28, 2022, McVey Tools & Equipment Sales, Inc., a Missouri corporation (hereinafter the "Corporation"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

Any Claims against the Corporation may be sent to: Bush & Patchett, L.L.C., Attn: Kerry Bush, 4240 Philips Farm Rd., Ste. 109, Columbia, MO 65201. Each claim must include the following information: name, address, and telephone number of the claimant; amount of claim; date of which the claim arose; basis for the claim; and documentation in support of the claim. All claims against the Corporation will be barred unless the proceeding to enforce the claim in commenced within two years after the publication of this notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
SMRH, LLC**

On October 7, 2022, SMRH, LLC, a Missouri limited liability company, Charter Number LC0906882 (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against the Company are required to present them immediately in writing to: Kirkland Woods & Martinsen LLP, Attn: Alice M. Haseltine, 5901 College Blvd., Suite 280, Overland Park, Kansas 66211.

Each claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP TO ALL CREDITORS  
AND CLAIMANTS OF NEW BALLWIN PROPERTY, LLC**

You are hereby notified that New Ballwin Property, LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Secretary of the State of Missouri on the 22<sup>nd</sup> day of September, 2022. In order to file a claim with the Company, you must furnish:

1. The name and address of the claimant;
2. Amount of claim;
3. Basis for the claim;
4. Documentation of the claim; and
5. The date(s) on which the event(s) on which the claim is based occurred.

The claim must be mailed to K. Andrew Weber, 200 North Third Street, St. Charles, Missouri 63301. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
RJMCD, L.L.C.**

On October 18, 2022, RJMCD, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to RJMCD, L.L.C., c/o Frank C. Carnahan, Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
JRMCD, L.L.C.**

On October 18, 2022, JRMCD, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to JRMCD, L.L.C., c/o Frank C. Carnahan, Carnahan Evans PC, 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF DISSOLUTION OF CORPORATION TO ALL CREDITORS OF AND CLAIMANTS AGAINST REGIONAL GROWTH CAPITAL, INC.**

Regional Growth Capital, Inc., a Missouri corporation (the "Corporation"), was dissolved on September 7, 2022 by filing Articles of Dissolution with the Missouri Secretary of State. The Corporation requests all persons and entities with claims against the Corporation present them in writing by mail to Regional Growth Capital, Inc., c/o Jenkins & Kling, P.C., 150 N. Meramec Ave., Suite 400, St. Louis, Missouri 63105. Each claim must include:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The basis of the claim;
4. The date(s) of the event(s) on which the claim is based occurred; and
5. Documentation in support of the claim.

NOTICE: Any and all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year – 46 (2021) and 47 (2022). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				47 MoReg 1457
	<b>DEPARTMENT OF AGRICULTURE</b>				
2 CSR 60-4.110	Grain Inspection and Warehousing		47 MoReg 823		
2 CSR 60-5.100	Grain Inspection and Warehousing		47 MoReg 824		
2 CSR 80-2.190	State Milk Board		47 MoReg 966	47 MoReg 1596	
2 CSR 80-5.010	State Milk Board		47 MoReg 966	47 MoReg 1596	
2 CSR 90-10.020	Weights, Measures and Consumer Protection		47 MoReg 1424		
	<b>DEPARTMENT OF CONSERVATION</b>				
3 CSR 10-5.900	Conservation Commission				47 MoReg 1459
3 CSR 10-7.433	Conservation Commission		47 MoReg 871	47 MoReg 1546	
3 CSR 10-7.705	Conservation Commission		47 MoReg 871	47 MoReg 1546	
3 CSR 10-9.354	Conservation Commission		47 MoReg 1501		
3 CSR 10-9.565	Conservation Commission		47 MoReg 1504		
3 CSR 10-11.111	Conservation Commission				47 MoReg 1343
3 CSR 10-11.115	Conservation Commission		47 MoReg 1281		
3 CSR 10-11.160	Conservation Commission		47 MoReg 1508		
3 CSR 10-11.184	Conservation Commission		47 MoReg 1281		
3 CSR 10-11.185	Conservation Commission		47 MoReg 1282		
3 CSR 10-11.215	Conservation Commission		47 MoReg 1285		
3 CSR 10-12.110	Conservation Commission		47 MoReg 1285		
3 CSR 10-12.135	Conservation Commission		47 MoReg 1285		
3 CSR 10-12.140	Conservation Commission		47 MoReg 1286		
3 CSR 10-12.145	Conservation Commission		47 MoReg 1289		
	<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>				
4 CSR 80-6.010	Economic Development Programs		This Issue R		
4 CSR 85-1.010	Division of Business and Community Services		This Issue R		
4 CSR 85-3.010	Division of Business and Community Services		This Issue R		
4 CSR 85-3.020	Division of Business and Community Services		This Issue R		
4 CSR 85-3.030	Division of Business and Community Services		This Issue R		
4 CSR 85-3.040	Division of Business and Community Services		This Issue R		
4 CSR 85-3.050	Division of Business and Community Services		This Issue R		
4 CSR 260-1.010	Division of Savings and Loan Supervision		This Issue R		
	<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>				
5 CSR 20-100.210	Division of Learning Services		47 MoReg 550		
5 CSR 20-400.220	Division of Learning Services	47 MoReg 1419	47 MoReg 1424		
5 CSR 20-400.370	Division of Learning Services		47 MoReg 1425		
5 CSR 20-400.610	Division of Learning Services		47 MoReg 1077		
5 CSR 20-500.250	Division of Learning Services		47 MoReg 780	47 MoReg 1596	
5 CSR 25-100.120	Office of Childhood		47 MoReg 1573		
5 CSR 25-100.330	Office of Childhood		47 MoReg 1078		
5 CSR 25-200.060	Office of Childhood		47 MoReg 1430		
5 CSR 25-400.105	Office of Childhood		47 MoReg 1576		
5 CSR 25-500.102	Office of Childhood		47 MoReg 1577		
5 CSR 30-4.030	Division of Financial and Administrative Services		47 MoReg 872	This Issue	
5 CSR 30-660.090	Division of Financial and Administrative Services	47 MoReg 779	47 MoReg 784	47 MoReg 1596	
	<b>DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT</b>				
6 CSR 10-2.080	Commissioner of Higher Education		47 MoReg 1579R		
6 CSR 10-2.090	Commissioner of Higher Education		47 MoReg 1579R		
6 CSR 10-12.010	Commissioner of Higher Education		47 MoReg 623	47 MoReg 1335W	
	<b>MISSOURI DEPARTMENT OF TRANSPORTATION</b>				
7 CSR 10-1.010	Missouri Highways and Transportation Commission		47 MoReg 551	47 MoReg 1387	
7 CSR 10-1.020	Missouri Highways and Transportation Commission		47 MoReg 967		
7 CSR 10-11.020	Missouri Highways and Transportation Commission		47 MoReg 554	47 MoReg 1387	
7 CSR 10-17.020	Missouri Highways and Transportation Commission		47 MoReg 1508		
7 CSR 10-17.030	Missouri Highways and Transportation Commission		47 MoReg 1511		
7 CSR 10-17.040	Missouri Highways and Transportation Commission		47 MoReg 1512		
7 CSR 10-17.050	Missouri Highways and Transportation Commission		47 MoReg 1512		
7 CSR 10-17.060	Missouri Highways and Transportation Commission		47 MoReg 1514		
7 CSR 10-25.010	Missouri Highways and Transportation Commission		47 MoReg 967		
7 CSR 10-25.020	Missouri Highways and Transportation Commission		47 MoReg 1229		
7 CSR 10-25.030	Missouri Highways and Transportation Commission		47 MoReg 968		
7 CSR 10-25.070	Missouri Highways and Transportation Commission		47 MoReg 968		
7 CSR 10-25.071	Missouri Highways and Transportation Commission		47 MoReg 968		
7 CSR 10-25.080	Missouri Highways and Transportation Commission		47 MoReg 969		
7 CSR 10-25.090	Missouri Highways and Transportation Commission		47 MoReg 969		
7 CSR 60-1.010	Highway Safety and Traffic Division		47 MoReg 1515R		
			47 MoReg 1515		
7 CSR 60-1.020	Highway Safety and Traffic Division		47 MoReg 1516R		
			47 MoReg 1516		

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
7 CSR 60-1.030	Highway Safety and Traffic Division		47 MoReg 1517R 47 MoReg 1517		
7 CSR 60-1.040	Highway Safety and Traffic Division		47 MoReg 1518R 47 MoReg 1518		
7 CSR 60-1.050	Highway Safety and Traffic Division		47 MoReg 1519R		
7 CSR 60-1.060	Highway Safety and Traffic Division		47 MoReg 1519R		
7 CSR 60-1.070	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.080	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.090	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.100	Highway Safety and Traffic Division		47 MoReg 1520R		
7 CSR 60-1.110	Highway Safety and Traffic Division		47 MoReg 1521R		
7 CSR 60-2.010	Highway Safety and Traffic Division		47 MoReg 824	47 MoReg 1679	
7 CSR 60-2.020	Highway Safety and Traffic Division		47 MoReg 826	47 MoReg 1679	
7 CSR 60-2.030	Highway Safety and Traffic Division		47 MoReg 826	47 MoReg 1679	
7 CSR 60-2.040	Highway Safety and Traffic Division		47 MoReg 827	47 MoReg 1679	
7 CSR 60-2.050	Highway Safety and Traffic Division		47 MoReg 827	47 MoReg 1680	
7 CSR 60-2.060	Highway Safety and Traffic Division		47 MoReg 828	47 MoReg 1680	
7 CSR 60-3.010	Highway Safety and Traffic Division		47 MoReg 828R 47 MoReg 828	47 MoReg 1680R 47 MoReg 1680	
7 CSR 265-10.017	Motor Carrier and Railroad Safety		47 MoReg 970		
7 CSR 265-10.025	Motor Carrier and Railroad Safety		47 MoReg 970		
7 CSR 265-10.035	Motor Carrier and Railroad Safety		47 MoReg 971		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 40-1.010	State Board of Mediation		47 MoReg 482	47 MoReg 1335	
8 CSR 40-2.010	State Board of Mediation		47 MoReg 483	47 MoReg 1335	
8 CSR 40-2.020	State Board of Mediation		47 MoReg 483R	47 MoReg 1336R	
8 CSR 40-2.025	State Board of Mediation		47 MoReg 483	47 MoReg 1336	
8 CSR 40-2.030	State Board of Mediation		47 MoReg 484	47 MoReg 1336	
8 CSR 40-2.040	State Board of Mediation		47 MoReg 484R	47 MoReg 1337R	
8 CSR 40-2.050	State Board of Mediation		47 MoReg 485R	47 MoReg 1338R	
8 CSR 40-2.055	State Board of Mediation		47 MoReg 485R	47 MoReg 1338R	
8 CSR 40-2.060	State Board of Mediation		47 MoReg 485R	47 MoReg 1338R	
8 CSR 40-2.070	State Board of Mediation		47 MoReg 485	47 MoReg 1338	
8 CSR 40-2.080	State Board of Mediation		47 MoReg 486	47 MoReg 1338	
8 CSR 40-2.090	State Board of Mediation		47 MoReg 486	47 MoReg 1338	
8 CSR 40-2.100	State Board of Mediation		47 MoReg 486	47 MoReg 1338	
8 CSR 40-2.120	State Board of Mediation		47 MoReg 487	47 MoReg 1339	
8 CSR 40-2.130	State Board of Mediation		47 MoReg 487	47 MoReg 1339	
8 CSR 40-2.140	State Board of Mediation		47 MoReg 487	47 MoReg 1340	
8 CSR 40-2.150	State Board of Mediation		47 MoReg 489	47 MoReg 1340	
8 CSR 40-2.160	State Board of Mediation		47 MoReg 489	47 MoReg 1341	
8 CSR 40-2.170	State Board of Mediation		47 MoReg 490	47 MoReg 1341	
8 CSR 40-2.180	State Board of Mediation		47 MoReg 490	47 MoReg 1341	
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-5.210	Director, Department of Mental Health		47 MoReg 1233		
9 CSR 30-3.190	Certification Standards		47 MoReg 1432R 47 MoReg 1433		
9 CSR 30-4.0432	Certification Standards		47 MoReg 569	47 MoReg 1455	
9 CSR 45-2.010	Division of Developmental Disabilities		47 MoReg 1580		
9 CSR 45-2.015	Division of Developmental Disabilities		47 MoReg 1585		
9 CSR 45-2.017	Division of Developmental Disabilities		47 MoReg 1587		
9 CSR 45-2.020	Division of Developmental Disabilities		47 MoReg 1591		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 20-6.010	Clean Water Commission		47 MoReg 1079		
10 CSR 20-6.200	Clean Water Commission		47 MoReg 1081		
10 CSR 25-7	Hazardous Waste Management Commission				47 MoReg 1388
10 CSR 90-2.010	State Parks		47 MoReg 1289		
10 CSR 90-2.030	State Parks		47 MoReg 1290		
10 CSR 90-2.050	State Parks		47 MoReg 1291		
10 CSR 140-2	Division of Energy				47 MoReg 1459
10 CSR 140-8.010	Division of Energy		47 MoReg 1082	This Issue W	
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 45-7.010	Missouri Gaming Commission		This Issue		
11 CSR 45-7.120	Missouri Gaming Commission		This Issue		
11 CSR 45-7.145	Missouri Gaming Commission		This Issue		
11 CSR 45-9.030	Missouri Gaming Commission		47 MoReg 1436		
11 CSR 45-9.104	Missouri Gaming Commission		47 MoReg 1436		
11 CSR 45-9.109	Missouri Gaming Commission		47 MoReg 1437		
11 CSR 45-9.112	Missouri Gaming Commission		47 MoReg 1592		
11 CSR 50-2.080	Missouri State Highway Patrol		47 MoReg 626	47 MoReg 1341	
11 CSR 50-2.150	Missouri State Highway Patrol		47 MoReg 627	47 MoReg 1342	
11 CSR 50-2.170	Missouri State Highway Patrol		47 MoReg 627	47 MoReg 1342	
11 CSR 50-2.320	Missouri State Highway Patrol		47 MoReg 628	47 MoReg 1342	
11 CSR 70-2.120	Division of Alcohol and Tobacco Control		47 MoReg 874	This Issue	
11 CSR 70-2.130	Division of Alcohol and Tobacco Control		47 MoReg 875	This Issue	
11 CSR 70-2.140	Division of Alcohol and Tobacco Control		47 MoReg 877	This Issue	
11 CSR 70-2.150	Division of Alcohol and Tobacco Control		47 MoReg 879	This Issue	
11 CSR 70-2.190	Division of Alcohol and Tobacco Control		47 MoReg 879	This Issue	
11 CSR 70-2.280	Division of Alcohol and Tobacco Control		47 MoReg 881	This Issue	

RULE NUMBER	AGENCY	EMERGENCY	PROPOSED	ORDER	IN ADDITION
12 CSR 10-41.010	<b>DEPARTMENT OF REVENUE</b> Director of Revenue	This Issue	This Issue		
13 CSR 40-37.010	<b>DEPARTMENT OF SOCIAL SERVICES</b> Family Support Division		47 MoReg 1437R		
13 CSR 65-2.020	Missouri Medicaid and Audit Compliance	47 MoReg 543	47 MoReg 574	47 MoReg 1342	
13 CSR 70-3.030	MO HealthNet Division		47 MoReg 1291		
13 CSR 70-3.180	MO HealthNet Division		46 MoReg 1675 47 MoReg 237		
13 CSR 70-3.320	MO HealthNet Division		47 MoReg 883	47 MoReg 1546	
13 CSR 70-4.051	MO HealthNet Division		47 MoReg 886R	47 MoReg 1546R	
13 CSR 70-5.010	MO HealthNet Division		47 MoReg 886	47 MoReg 1547	
13 CSR 70-8.010	MO HealthNet Division		47 MoReg 1298		
13 CSR 70-15.010	MO HealthNet Division	47 MoReg 927	47 MoReg 973		
13 CSR 70-15.015	MO HealthNet Division	47 MoReg 944	47 MoReg 990	This Issue	
13 CSR 70-15.110	MO HealthNet Division	47 MoReg 950	47 MoReg 996	This Issue	
13 CSR 70-15.160	MO HealthNet Division	47 MoReg 956	47 MoReg 1002	This Issue	
13 CSR 70-15.190	MO HealthNet Division	47 MoReg 1061	47 MoReg 1083	This Issue	
13 CSR 70-15.220	MO HealthNet Division	47 MoReg 1062	47 MoReg 1085		
13 CSR 70-15.230	MO HealthNet Division	47 MoReg 960	47 MoReg 1006	This Issue	
13 CSR 70-20.042	MO HealthNet Division		47 MoReg 1437		
13 CSR 70-90.010	MO HealthNet Division		This Issue		
13 CSR 70-95.010	MO HealthNet Division		47 MoReg 1299		
13 CSR 70-97.010	MO HealthNet Division		This Issue		
13 CSR 70-98.030	MO HealthNet Division		47 MoReg 1438		
15 CSR 30-14.010	<b>ELECTED OFFICIALS</b> Secretary of State		47 MoReg 886	47 MoReg 1455	
15 CSR 30-200.015	Secretary of State		47 MoReg 1677		
16 CSR 10-5.010	<b>RETIREMENT SYSTEMS</b> The Public School Retirement System of Missouri		47 MoReg 1300		
16 CSR 10-5.020	The Public School Retirement System of Missouri		47 MoReg 829	47 MoReg 1455	
16 CSR 10-6.060	The Public School Retirement System of Missouri		47 MoReg 1301		
16 CSR 10-6.070	The Public School Retirement System of Missouri		47 MoReg 832	47 MoReg 1455	
16 CSR 50-1.010	The County Employees' Retirement Fund		47 MoReg 1677		
19 CSR 10-15.010	<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b> Office of the Director		47 MoReg 1593		
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20 CSR 2030-14.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
20 CSR 2030-14.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		This Issue		
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20 CSR 2095-1.020	Committee for Professional Counselors		47 MoReg 1544		
20 CSR 2063-2.005	Behavior Analyst Advisory Board		47 MoReg 1594		
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20 CSR 2110-2.050	Missouri Dental Board		47 MoReg 887	47 MoReg 1547	
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20 CSR 2145-1.040	Missouri Board of Geologist Registration		47 MoReg 784	47 MoReg 1387	
20 CSR 2145-2.065	Missouri Board of Geologist Registration		47 MoReg 1595R		
20 CSR 2150-5.024	State Board of Registration for the Healing Arts		47 MoReg 1381		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		47 MoReg 887	47 MoReg 1547	
20 CSR 2165-2.025	Board of Examiners for Hearing Instrument Specialists		47 MoReg 888	47 MoReg 1547	
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20 CSR 2165-2.060	Board of Examiners for Hearing Instrument Specialists		47 MoReg 889	47 MoReg 1547	
20 CSR 2220-2.400	State Board of Pharmacy	47 MoReg 965			
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20 CSR 2220-6.025	State Board of Pharmacy		47 MoReg 1383		
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20 CSR 2230-2.010	State Board of Podiatric Medicine		47 MoReg 1139	47 MoReg 1680	
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20 CSR 2245-2.030	Real Estate Appraisers		47 MoReg 1448		
20 CSR 2245-3.010	Real Estate Appraisers		47 MoReg 1449		
20 CSR 2245-6.016	Real Estate Appraisers		47 MoReg 1450R		
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5 CSR 20-400.220	Application for Substitute Certificate of License to Teach . . . . .	47 MoReg 1419 . . . . .	Sept. 14, 2022. . . . . March 12, 2023
Divisional of Financial and Administrative Services			
5 CSR 30-660.090	Charter School Local Education Agency (LEA) Attendance Hour Reporting . . . . .	47 MoReg 779 . . . . .	May 3, 2022. . . . . Feb. 9, 2023
<b>Department of Revenue</b>			
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12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	This Issue . . . . .	Jan. 1, 2023. . . . . June 29, 2023
<b>Department of Social Services</b>			
MO HealthNet Division			
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Methodology. . . . .	47 MoReg 927 . . . . .	July 1, 2022. . . . . Feb. 23, 2023
13 CSR 70-15.015	Direct Medicaid Payments . . . . .	47 MoReg 944 . . . . .	July 1, 2022. . . . . Feb. 23, 2023
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	47 MoReg 950 . . . . .	July 1, 2022. . . . . Feb. 23, 2023
13 CSR 70-15.160	Outpatient Hospital Services Reimbursement Methodology. . . . .	47 MoReg 956 . . . . .	July 1, 2022. . . . . Feb. 23, 2023
13 CSR 70-15.190	Out-of-State Hospital Services Reimbursement Plan . . . . .	47 MoReg 1061. . . . .	July 1, 2022. . . . . Feb. 23, 2023
13 CSR 70-15.220	Disproportionate Share Hospital (DSH) Payments. . . . .	47 MoReg 1062 . . . . .	July 1, 2022. . . . . Feb. 23, 2023
13 CSR 70-15.230	Upper Payment Limit (UPL) Payment Methodology . . . . .	47 MoReg 960 . . . . .	July 1, 2022. . . . . Feb. 23, 2023
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19 CSR 20-20.020	Reporting Infectious, Contagious, Communicable, or Dangerous Diseases . . . . .	47 MoReg 1369. . . . .	Aug. 29, 2022. . . . . Feb. 24, 2023
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19 CSR 25-30.021	Type I Permit. . . . .	This Issue . . . . .	Nov. 16, 2022. . . . . May 14, 2023
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19 CSR 30-1.002	Schedules of Controlled Substances. . . . .	47 MoReg 1481. . . . .	Oct. 3, 2022. . . . . March 31, 2023
19 CSR 30-20.144	Standards and Guidelines for Essential Caregiver Program. . . . .	47 MoReg 1495. . . . .	Sept. 29, 2022. . . . . March 27, 2023
19 CSR 30-100.010	Newborn Safety Incubators . . . . .	47 MoReg 1265. . . . .	Aug. 12, 2022. . . . . Feb. 23, 2023
<b>Department of Commerce and Insurance</b>			
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20 CSR 2220-2.400	Compounding Standards of Practice . . . . .	47 MoReg 965 . . . . .	June 21, 2022. . . . . Dec. 17, 2022
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22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	This Issue . . . . .	Jan. 1, 2023. . . . . June 29, 2023

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

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<b>2022</b>			
<b>22-06</b>	Closes executive branch state offices for Friday, November 25, 2022.	November 7, 2022	This Issue
<b>Proclamation</b>	Convenes the One Hundred First General Assembly in the First Extraordinary Session of the Second Regular Session regarding extension of agricultural tax credits and to enact legislation amending Missouri income tax.	August 22, 2022	47 MoReg 1420
<b>22-05</b>	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to severe storm systems.	July 26, 2022	47 MoReg 1279
<b>22-04</b>	Declares a drought alert for 53 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee.	July 21, 2022	47 MoReg 1277
<b>Proclamation</b>	In accordance with <i>Dobbs</i> , Section 188.017, RSMo is hereby effective as of the date of this order.	June 24, 2022	47 MoReg 1075
<b>22-03</b>	Terminates the State of Emergency declared in Executive Order 22-02.	February 7, 2022	47 MoReg 411
<b>22-02</b>	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems.	February 1, 2022	47 MoReg 304
<b>22-01</b>	Establishes and Designates the Missouri Early Childhood State Advisory Council.	January 7, 2022	47 MoReg 222
<b>2021</b>			
<b>21-13</b>	Creates and establishes the Missouri Supply Chain Task Force.	November 22, 2021	47 MoReg 12
<b>21-12</b>	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government.	November 5, 2021	46 MoReg 2325
<b>21-11</b>	Orders state offices to be closed on Friday, November 26, 2021.	November 2, 2021	46 MoReg 2241
<b>21-10</b>	Orders steps to oppose federal COVID-19 vaccine mandates within all agencies, boards, commissions, and other entities within the executive branch of state government.	October 28, 2021	46 MoReg 2239
<b>21-09</b>	Terminates the state of emergency declared in Executive Order 20-02, declares a state of emergency, suspends certain regulations related to telemedicine and physical presence for executing documents, and allows state agencies to waive some regulatory requirements.	August 27, 2021	46 MoReg 1727
<b>21-08</b>	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government.	August 10, 2021	46 MoReg 1673
<b>Proclamation</b>	Convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursement Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet.	June 22, 2021	46 MoReg 1447
<b>21-07</b>	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021.	March 26, 2021	46 MoReg 750
<b>21-06</b>	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order.	March 22, 2021	46 MoReg 748
<b>21-05</b>	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government.	February 24, 2021	46 MoReg 605
<b>21-04</b>	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603

ORDER	SUBJECT MATTER	FILED DATE	PUBLICATION
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21-03	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021.	February 11, 2021	46 MoReg 495
21-02	Establishes the Office of Childhood within the Department of Elementary and Secondary Education.	January 28, 2021	46 MoReg 394
21-01	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06.	January 7, 2021	46 MoReg 314

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